



# OFFENCES

UNDER

## "The Liquor License Act"

R.S.O. 1914, Chap. 215.

---

SECOND EDITION.

---

ALSO A

LIST OF DECIDED CASES THEREON

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COMPILED AND ARRANGED FOR THE ASSISTANCE OF  
MAGISTRATES, JUSTICES, AND COUNSEL ENGAGED  
IN THE PROSECUTION OF SUCH OFFENCES.

BY

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## PREFACE TO SECOND EDITION.

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Sixteen years ago, owing to the fact that The Liquor License Act was the result of so much fragmentary or piecemeal legislation without any arrangement or methodical classification of sections, making it "unusually complex and difficult," I compiled a work treating exclusively of the numerous offences enacted thereunder, believing that important sections might otherwise be overlooked and in many instances the law be improperly administered in consequence thereof.

You can find time to study the provisions relating to the application for licenses, etc., and if you have not mastered the details, the consequence cannot be serious, but it is important that every Magistrate and Justice, as well as counsel engaged in the prosecution of offences, should have a thorough knowledge of the law, practice and procedure under the Act, or a means available for immediately and easily acquiring such knowledge.

The Act, as now revised in its methodical arrangement and classification of sections, is a decided improvement on the former consolidation, but, after a careful examination of the additional offences and important amendments thereto, including those of the last session, I am convinced that this edition will be found to be as necessary and useful as the former one.

The work is divided into five parts. The first deals with "Unlicensed Premises," the second with "Licensed Premises;" the third with "Prohibitory Clauses;" the fourth with the "Miscellaneous Provisions," which affect licensed houses and license holders generally; and the fifth contains the Act respecting the sale by druggists of liquor, alcohol, and other medicines, now embodied in The Liquor License Act as part three.

In arranging the sections, those relating to each other have been brought together, but where, without

interfering with this object, some alphabetical order of the capitularies could be arranged, this system has been followed.

There are scattered throughout the Act several sections making certain facts or circumstances conclusive and presumptive evidence, but in this work they are arranged to follow the section describing the offences to which they are directed.

The penalties imposed in respect of many offences are enacted in other clauses of the Act, rendering it difficult to ascertain the fine, etc., which should be imposed. In this work, the penalties, if not embodied in the section creating the offence, are printed immediately below.

Many of the decided cases referred to in the first edition have become obsolete. I have eliminated these and added the later important Canadian and English ones, noting them immediately below the section to which they relate.

I have endeavoured to make a full and complete "Table of Contents" and "Index," in order to facilitate (in keeping with the whole work) the finding of any particular part or section of the statute.

As an appendix, following the schedule of forms, there is added "The Act respecting the legal meaning of expressions relative to Time, R. S. O. ch. 132," also a tariff of fees chargeable by Magistrates and Constables.

May, 1914.

G. F. J.

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# OFFENCES

UNDER

## "THE LIQUOR LICENSE ACT"

### PART I.

#### UNLICENSED PREMISES.

##### 1. SALE WITHOUT LICENSE.

No person except under legal process, or for distress, or as assignee in insolvency, shall sell by wholesale or retail any liquor without having first obtained the license under this Act authorizing him so to do (sec. 48).

*Penalties.*—First offence, \$100 to \$500 or 3 months; second, or any subsequent offence, 4 months (sec. 65). See No. 105.

[NOTE.—Where the evidence is not sufficient to convict on a charge of Selling, but shews an unlawful keeping for sale, the Magistrate may amend the information, and convict the defendant on the latter charge (sec. 92 (2) ).]

##### 2. PRESUMPTIVE EVIDENCE OF UNLAWFUL SALES.

In proving the sale or disposal, gratuitous or otherwise, or consumption of liquor for the purpose of any

###### 1. SALE WITHOUT LICENSE.

*R. v. Sutton*, 42 U. C. R. 220; *R. v. King*, 20 C. P. 246; *R. v. Bennett*, 1 O. R. 445; *Rose v. Fropley*, 17 Cox C. C. 685; *McDonald v. Hughes*, 18 T. L. R. 79; *Rex v. Brisbois*, 5 O. L. R. 264; *R. v. Teasdale*, 20 O. L. R. 382; *Rex v. McQuarrie*, 37 N. B. R. 374; *Horgan v. Driscoll*, 42 Jr. L. T. 131; *R. v. Bradley*, 19 Can. Cr. Cas. 110; *Williamson v. Norris*, 1 Q. B. 7; *Allan v. Lamb*, 57 J. P. 377.

###### 2. PRESUMPTIVE EVIDENCE OF UNLAWFUL SALES.

*Petherick v. Sargent*, 6 L. T. 48; *Seager v. White*, 51 L. T. 261; *Harbottle v. Gill*, 41 J. P. 742; *Scratchard v. Johnson*, 57 L. J. M. C. 41; *R. v. McNulty*, 37 Ir. L. T. 138; *Stevens v. Wood*, 54 J. P. 742.

proceeding relative to any offence under this Act, it shall not be necessary to show that any money actually passed, or that any liquor was actually consumed, if the Justices, Police Magistrate, or Court hearing the case is or are satisfied that a transaction in the nature of a sale or other disposal actually took place, or that any consumption of liquor was about to take place; and proof of consumption or intended consumption of liquor on premises in respect to which a license is required under this Act by some person other than the occupier, shall be evidence that such liquor was sold to the person consuming or being about to consume or carry away the same as against the holder of the license or the occupant of the said premises. (Sec. 100.)

In any prosecution under this Act for the sale or other disposal of liquor without the license required by law, it shall not be necessary that any witness depose directly to the precise description of the liquor sold or bartered, or the precise consideration therefor, or to the fact of the sale or other disposal having taken place with his participation, or to his own personal and certain knowledge, but the Justices or Police Magistrate trying the case, so soon as it appears that the circumstances in evidence sufficiently establishes the infraction of law complained of, shall put the defendant on his defence, and in default of his rebuttal of such evidence shall convict him accordingly. (Sec. 104.)

### 3. UNLAWFUL SIGNS, ETC., ON UNLICENSED PREMISES.

The fact of any person, not being a licensed person, (1) keeping up any sign writing, painting, or other mark in or near to his house or premises, or (2) having such house fitted up with a bar or other place containing bottles or casks displayed so as to induce a reasonable belief

- (a) that such house or premises is or are licensed for the sale of any liquor, or
- (b) that liquor is sold or served therein, or
- (c) that there is on such premises more liquor than is reasonably required for the persons residing therein

shall be guilty of an offence under this Act. (Sec. 102.)

### 3. UNLAWFUL SIGNS, ETC., ON UNLICENSED PREMISES.

R. v. Bevan, 4 O. W. N. 400.



*Penalties.*—First offence, \$20 to \$50, or 1 month; second offence, \$40 to \$60 or 2 months; third offence, imprisonment for 3 months. (Sec. 79), see No. 105.

#### 4. KEEPING FOR SALE WITHOUT LICENSE.

No person shall keep or have in any house, building, shop, eating house, saloon, or house of public entertainment, or in any room or place whatsoever, any liquor for the purpose of selling therein, unless duly licensed under the provisions of this Act. (Sec. 49.)

*Penalties.*—First offence, \$100 to \$500 or 1 month; second or any subsequent offence 4 m (Sec. 65.) And see No. 105.

#### 5. CONCLUSIVE EVIDENCE OF UNLAWFUL KEEPING.

(1) Where upon a prosecution under this Act for the sale, or keeping for sale, of liquor without a license, the Magistrate before whom such prosecution is brought shall find that liquor exceeding two gallons was kept upon the premises occupied by such person, the keeping or having upon such premises of any beer-pump or other appliance commonly used in a bar-room shall be conclusive evidence that such liquor was kept upon the premises for sale. (Sec. 99.)

(2) Proof that any person, not being a licensed person, who furnishes food or lodging to lodgers, boarders or guests, or who conducts a house or other place in which persons reside who are not in his employment or members of his family, has upon the premises occupied by him a greater quantity of liquor than may be reasonably supposed to be intended for the use of such person and his family, shall be conclusive evidence that such liquor is kept for sale in contravention of this Act. (Sec. 102, sub-sec. 2.)

#### 4. KEEPING FOR SALE WITHOUT LICENSE.

*R. v. Charles*, 24 O. R. 432; *R. v. Slattery*, 26 O. R. 148; *R. v. Richardson*, 20 O. R. 514; *R. v. Sutton*, 42 U. C. R. 220; *Ex p. Campbell*, 40 N. B. R. 350.

#### 5. CONCLUSIVE EVIDENCE OF UNLAWFUL KEEPING.

(Under sec. 102, sub-sec. 2), *Rex v. Borin*, 29 O. L. R. 554.

### 6. PRESUMPTIVE EVIDENCE OF UNLAWFUL KEEPING.

Any house, shop, room or other place in which are proved to exist a bar, counter, beer-pumps, kegs, jars, decanters, tumblers, glasses, or any other appliances, or preparations similar to those usually found in taverns and shops, where spirituous or fermented liquors are accustomed to be sold or trafficked in, shall be deemed to be a place in which spirituous, fermented or other manufactured liquors are kept or had for the purpose of being sold, bartered or traded in within the meaning of section 49 of this Act, unless the contrary is proved by the defendant in any prosecution; and the occupant of such house, shop, room or other place shall be taken conclusively to be the person who has or keeps therein such liquors for sale, barter or traffic therein. (Sec. 98.)

### 7. PERMITTING CONSUMPTION ON UNLICENSED PREMISES.

No occupant of any shop, eating-house, saloon, or house of public entertainment, or any livery stable or other building to which the public are in the habit of resorting, unless duly licensed, shall permit any liquors, whether sold by him or not, to be consumed upon the premises by any person other than members of his family or employees or guests not being customers. (Sec. 49.)

*Penalties.*—First offence, \$20 to \$50 or one month; second offence \$40 to \$60 or two months; third offence three months. (Sec. 79.) And see No. 105.

### 8. PURCHASING FROM UNLICENSED PERSON AND DRINKING IN UNLICENSED PREMISES.

The purchaser of any liquor from a person who is not licensed to sell the same, or any person who drinks upon the premises liquor so purchased at the time of the

### 6. PRESUMPTIVE EVIDENCE OF UNLAWFUL KEEPING.

*R. v. Brady*, 12 O. R. 358; *R. v. Huntley*, 20 O. R. 481; *R. v. Wilkins*, 12 O. W. R. 137; *R. v. McNutt*, 39 N. S. R. 339; *R. v. Sam Lee Hing*, 10 W. N. 806

### 7. PERMITTING CONSUMPTION ON UNLICENSED PREMISES

*R. v. Cretch*, 3 O. W. R. 176; *R. v. Irish*, 13 O. W. R. 769.

### 8. PURCHASING FROM UNLICENSED PERSON AND DRINKING IN UNLICENSED PREMISES.

*Sherras v. De Rutzen*, 1 Q. B. 918, 72 L. T. 839.

purchase thereof, is guilty of an offence under this Act (Sec. 56.)

*Penalties.*—First offence, \$20 to \$50 or one month; second offence, \$40 to \$60 or two months; third offence, three months. (Sec. 79.)

[Sec. 56 does not apply to any person engaged in detecting breach of the Act.]

(See Sec. 57 for exemption of officers, No. 77.)

#### 9. OCCUPANT'S LIABILITY.

The occupant of any house, shop, room or other place in which any sale, barter or traffic of spirituous, fermented or manufactured liquors, or any matter, act or thing in contravention of any of the provisions of this Act has taken place, shall personally incur the penalties prescribed by this Act, notwithstanding such sale, barter or traffic be made by some other person who cannot be proved to have so acted under or by the directions of such occupant, and proof of the fact of such sale, barter or traffic or other act, matter or thing by any person in the employ of such occupant, or who is suffered to be or remain in or upon the premises of such occupant, or to act in any way for such occupant, shall be conclusive evidence that such sale, barter or traffic or other act, matter or thing took place with the authority and by the direction of such occupant. (Sec. 103.)

#### 10. ACTUAL OFFENDER'S LIABILITY.

The person actually selling, or otherwise contravening any of the provisions of this Act as in this section mentioned is for the purpose hereof styled "the actual offender" whether acting on behalf of himself or another or of others, and the actual offender, as well as the occupant, shall personally incur the penalties prescribed by this Act; and at the prosecutor's option the actual

#### 9. OCCUPANTS' LIABILITY.

*R. v. Potter*, 20 A. R. 516; *R. v. Campbell*, 8 P. R. 55; *R. v. Breen*, 36 U. C. R. 87; *R. v. Conrod*, 35 N. S. R. 79. (See cases noted under No. 33). *R. v. Irish*, 18 O. L. R. 351.

#### 10. ACTUAL OFFENDER'S LIABILITY.

*R. v. McGregor*, 26 O. R. 115; *R. v. Howard*, 45 Q. B. 346; *R. v. Williams*, 42 Q. B. 462; *R. v. King*, 20 C. P. 246.

offender may be prosecuted jointly with, or separately from the occupant, but both of them shall not be convicted of the same offence, and the conviction of one shall be a bar to the conviction of the other. (Sec. 103, subsec. 2.)

For the purposes of this section, any person being an owner or lessee in actual occupation and possession of the premises, or anyone who, being in actual occupation and possession, leases or sub-lets any part thereof in which liquors are kept for sale, barter or trading therein, or in which they are sold or consumed, shall be deemed to be an occupant unless such leasing or sub-letting shall have received the consent in writing of the board of license commissioners. And in the event of the premises being an unlicensed tavern, the owner or lessee or other person having control of said premises, whether in or out of possession, who sub-lets to or permits to be occupied by any other persons any part of the premises in which liquor is sold or kept for sale, shall be conclusively held to be an occupant within the meaning of this section and may be prosecuted jointly with or separately from the actual offender, but both of them shall not be convicted of the same offence, and the conviction of one of them shall be a bar to the conviction of the other of them for the same offence. (Sec. 103.)

#### 11. SEARCHING PREMISES WITHOUT WARRANT.

Any officer, policeman, constable, or inspector, may for the purpose of preventing or detecting the violation of any of the provisions of this Act, which it is his duty to enforce, at any time enter into any and every part of any inn, tavern or other house or place of public entertainment, shop, warehouse, or other place wherein refreshments or liquors are sold or reputed to be sold, whether under license or not, and may make searches in every part thereof and of the premises connected therewith for the purpose aforesaid; and every person being therein, or having charge thereof who refuses or fails to

#### 11. SEARCHING PREMISES WITHOUT WARRANT.

*R. v. Sloan*, 18 A. R. 482; *R. v. Potter*, 20 A. R. 516; *R. v. Tott*, 4 L. T. N. S. 306; *Duncan v Dowling*, 66 L. J. Q. B. 363; *R. v. Dobbins*, 48 J. P. 182; *Alexander v Rankin*, 1 F. (J.) 58; *Harrison v McL'Meel*, 50 L. T. 210; *R. v. Ireland*, 31 O. R. 267; *Pacaud v Perkins*, 20 O. W. R. 893; *R. v. Matheson*, 2 E. L. R. 58.

admit such officer, policeman, constable or inspector demanding to enter in pursuance of this section in the execution of his duty, or who obstructs or attempts to obstruct the entry of such officer, policeman, constable or inspector or any such searches as aforesaid, will be liable to the penalties and punishments prescribed by section 65, and the provisions of sub-section 2 of section 103 of this Act shall apply to offences under this section. (Sec. 130.)

*Penalties.*—First offence \$100 to \$500 or 3 months; second or any subsequent offence, four months. (Sec. 65.)

## 12. SEARCHING UNLICENSED PREMISES UNDER WARRANT.

Any magistrate having jurisdiction upon information by any officer, policeman, constable, or inspector, that there is reasonable ground for belief that any liquor is being kept for sale or disposal, contrary to the provisions of this Act, in any unlicensed house or place within the jurisdiction of such magistrate, may issue a warrant under his hand, by virtue whereof the person named therein or any constable to whom it is directed or delivered at any time or times within ten days from the date thereof may enter, and, if need be, by force, the place named in the warrant and every part thereof, or of the premises connected therewith, and examine the same, and search for liquor therein; and for this purpose may, with such assistance as he deem expedient, break open any door, lock or fastening of such premises or any part thereof, or of any closet, cupboard, box or other receptacle likely to contain any such liquor; and in the event of any liquor being so found on the said premises, the occupant thereof, until the contrary is proved, shall be deemed to have kept such liquor for the purpose of sale contrary to the provisions of section 49 of this Act. (Sec. 131.) Any liquor so found and vessels may be seized, and if there is a conviction the liquor may be declared forfeited to His Majesty to be destroyed or otherwise dealt

## 12. SEARCHING UNLICENSED PREMISES UNDER WARRANT.

*R. v. McGarry*, 24 O. R. 52; *R. v. Doyle*, 12 O. R. 347; *R. v. Heferman*, 13 O. R. 616; *Townshend v. Cox*, C. R. (1907), A. C. 26; *Ex p. Dewar*, 39 N. B. R. 143; *R. v. Townshend* (No. 2), 39 N. S. R. 189; *Ex p. McCleave*, 20 C. L. T. 89; *R. v. Nickerson*, 40 N. B. R. 382; *R. v. Wilson*, 40 N. B. R. 384.

with as the minister may direct. (Sec. 132.) If no conviction the liquor must be returned. (Sec. 133.)

### 13. FREQUENTERS OF UNLICENSED PREMISES TO GIVE THEIR NAMES.

Any person found on unlicensed premises entered by any Inspector or officer under sections 130 or 131 must on demand (if liquor is seized therein), give his name and address, and failing to do so, or failing to answer satisfactorily the questions put to him may be apprehended without warrant, and if it appears that such person refused to give his name and address, or gave a false name or address, or gave false information respecting such name or address, or did not answer satisfactorily the questions put to him, he will be liable to a penalty of not less than \$10 nor more than \$20 and costs, and in default of payment be imprisoned for a period of not less than 20 and not more than 40 days. (Sec. 132, subsecs. 2, 3.)

### 14. DEFENDANT MUST PROVE LICENSE.

It is incumbent on the defendant to prove that he is duly licensed if charged with any act or omission making him liable to a penalty unless he is licensed. (Sec. 105.) The production of his license will be *prima facie* evidence (Sec. 105, sub-sec. 2.)

### 15. SIGNS ON UNLICENSED PREMISES.

No person unless duly licensed shall by any sign or notice hold himself out to the public as so licensed, and the use of any sign or notice for this purpose is prohibited. (Sec. 48, sub-sec. 2.) [See also No. 3.]

*Penalties.*—First offence, \$20 to \$50, or one month; second offence, \$40 to \$60, or two months; third offence, 3 months. (Sec. 79.)

### 14. DEFENDANT MUST PROVE LICENSE.

*R. v. Young*, 7 O. R. 88; *In re Barrett*, 28 Q. B. 559; *Turner v. Johnson*, 51 J. P. 22; *R. v. Nevills*, 1 B. & Ad. 489; *Wells v. Cheyney*, 36 J. P. 198.

### 15. SIGNS ON UNLICENSED PREMISES.

*In re Bright v. City of Toronto*, 12 C. P. 433.

**16. CHEMISTS AND DRUGGISTS, SALES BY.**

See Part V., page 56.

**17. CLUBS, ETC. (INCORPORATED) SELLING LIQUORS.**

No liquor can be sold or supplied by any incorporated society, association or club heretofore or hereafter formed, or by any member, officer, or servant thereof, to any member of such society, association or club, or to any other person, unless and until a license for the sale of liquor by such society, association or club has been duly issued as provided in this Act, but no such society, association or club is authorized, though licensed, to sell liquor to any person not a member thereof, nor to any person who is not of the full age of 21 years. (Sec. 44.)

*Penalties.*—First offence \$100 to \$500 or 3 months; second or any subsequent offence, 4 months. (Sec. 56.)

**18. CLUBS, ETC. (UNINCORPORATED) SELLING LIQUORS.**

Any unincorporated society, association or club and any member, officer, or servant thereof, or person resorting thereto, who sells liquor to any member thereof, or to any other person without the license therefor by this Act required, shall be held to have violated section 48 of this Act and shall incur the penalties provided for the sale of liquor without license. (Sec. 45.)

*Penalties* (under sec. 65), and liquors may be seized. (Sec. 45, sub-sec. 3.)

**19. CLUBS, ETC. (UNLICENSED) KEEPING LIQUORS.**

The keeping or having in any house or building or in any room or place occupied or controlled by any

**17. CLUBS, ETC. (INCORPORATED) SELLING LIQUORS.**

*Newman v. Jones*, 17 Q. B. D. 132; *Stevens v. Wood*, 54 J. P. 742. *Graff v. Evans*, 46 L. T. 347; *Woodley v. Simmonds*, 60 J. P. 150.

**18. CLUBS, ETC. (UNINCORPORATED) SELLING LIQUORS.**

*Evans v. Hemingway*, 52 J. P. 134; *R. v. Glamorganshire*, J. J. 5 T. L. R. 636; *Madin v. McLean*, 58 J. P. 247; *Lyman v. O'Reilly*, 2 I. R. 48; *Bowyer v. Percy Supper Club*, 69 L. T. 447; *National Sporting Club v. Cope*, 16 T. L. R. 158; *R. v. Cahoun*, 17 O. W. R. 467; *R. v. Simmons*, 7 E. L. R. 520; *R. v. McIsaac*, 7 E. L. R. 393; *R. v. Hiatt*, 7 E. L. R. 230; *R. v. Lightburne*, 21 C. L. T. 241.

**19. CLUBS, ETC. (UNLICENSED) KEEPING LIQUORS.**

*R. v. Charles*, 24 O. R. 432; *R. v. Hughes*, 34 C. L. J. 162; *R. v. Slattery*, 26 O. R. 148.

unlicensed club association, or society or any member or members thereof, or by any person resorting thereto, of any liquor for sale or barter is a violation of section 49 of this Act. (Sec. 45, sub-sec. 2.)

*Penalties* under sec. 65 and liquors may be seized. (Sec. 45, sub-sec. 3.)

## 20. CONCLUSIVE EVIDENCE OF SALE IN CLUBS, ETC.

Proof of consumption or intended consumption of liquor in such premises (mentioned in sec. 45) by any member or person who resorts thereto, is conclusive evidence of sale of such liquor, and the occupants of the premises or any members of the club, etc., or person who resorts thereto, shall be taken conclusively to be the person who has or keeps therein such liquor for sale. (Sec. 45, sub-sec. 3.)

## 21. LOCAL OPTION MUNICIPALITIES.

The sale or keeping for sale of liquor without license in any municipality where any by-law passed in pursuance of section 137 of this Act, or *The Temperance Act* of 1864 is in force is a contravention of sections 48 and 49 of this Act, and all the provisions of this Act respecting the sale or keeping for sale of liquor in contravention of said sections, and the penalties and procedure in reference thereto shall be of full force and effect in such municipality. (Sec. 138.)

## 22. CANVASSING IN LOCAL OPTION MUNICIPALITIES.

Every person whether licensed or unlicensed who by himself, his servant or agent canvasses for or receives or solicits orders for liquor within any municipality in which a local option by-law is in force shall be guilty of an offence against this Act, and incur the penalties provided for the sale of liquor without a license. (Sec. 54.)

*Penalties.*—First offence \$100 to \$500 or 3 months; second, or any subsequent offence, 4 months. (Sec. 65.)

## 20. CONCLUSIVE EVIDENCE OF SALE IN CLUBS, ETC.

*R. v. Hughes*, 18 C. L. T. 106.



**23. PERSONS FOUND DRUNK IN.**

Where in a municipality in which a local option by-law is in force, or in which a tavern or shop license is issued, a person is found upon a street or in any public place in an intoxicated condition owing to the drinking of liquor, he shall be guilty of an offence against the said Act, (penalty under sec. 79), and upon any prosecution for such offence he shall be compellable to state the name of the person from whom and the place in which he obtained such liquor, and in case of his refusal to do so he shall be imprisoned for a period not exceeding three months or until he discloses such information. (Sec. 141) and Ont. Stat. 1914.

**24. STORAGE IN LOCAL OPTION MUNICIPALITIES.**

In a municipality in which no tavern or shop license is in force, no liquor shall be stored or kept by any brewer or other person whomsoever, for future delivery to any customer or other person notwithstanding that the same or some part thereof may have been previously ordered or appropriated to a customer or other person and any brewer or other person contravening this provision shall be deemed conclusively to have kept liquor for sale without the license therefor by law required. (Sec. 155, sub-sec. (3).)

*Penalties under sec. 65.*

Liquor not actually delivered into the possession of the person for whom it purports to be intended in any such municipality shall be deemed to be kept for sale by the person in whose possession such liquor is found.

Any person who suffers or allows any liquor of which he is not the *bona fide* owner to be stored or kept on his premises in any such municipality, shall be guilty of an offence against *The Liquor License Act*. (Sec. 155, sub-sec. 3). *Penalty under sec. 79.*

**25. NATIVE WINES.**

Subject to any regulations or restrictions which the Lieutenant-Governor in Council may impose, native wines from grapes grown and produced in Ontario can

**23. PERSONS FOUND DRUNK IN LOCAL OPTION MUNICIPALITIES.**

*R. v. Riddell, 3 O. W. N. 1628.*

be sold without a license by the manufacturers thereof in wholesale quantities, as required in the case of a wholesale license under this Act, but said wines must be sold upon the premises where manufactured, and must be wholly removed from and not be drunk upon said premises. (Sec. 172.)

(Penalties for sale in contravention of this section under sec. 65.)

**26. PARKS, PROVINCIAL, PUBLIC, SALE OF LIQUOR WITHIN.**

No license shall be issued for the sale of intoxicating liquors within *The Algonquin National Park* or *The Rondeau Provincial Park*, or within one mile of the latter, and any intoxicating liquor found within the limits of said Parks and prescribed mile, and held for the purpose of sale may be seized and destroyed by any Park Ranger, or by any constable or License Inspector having authority within the District of Nipissing or the County of Kent respectively, and every Ranger shall have all the powers and authority of a License Inspector for the purpose of enforcing therein these, and the provisions of the Liquor License Act. Secs. 17 and 35, ch. 52, R. S. O. 1914.

**27. PUBLIC WORKS, SALE OF LIQUOR NEAR.**

In any district (excepting in cities) where any public work is under construction a prohibition of the sale of liquor may be ordered by proclamation of the Lieutenant-Governor in Council, and while such proclamation remains in force, every person who sells or keeps or has in his possession within the limits designated therein any liquor in violation of the terms thereof, shall be guilty of an offence and incur a penalty of not less than \$100, and not more than \$500, or may upon conviction be imprisoned for any period not less than one month, and not exceeding four months. (Sec. 151.)

*Rex v. Irwin*, 16 O. L. R. 454.

*Signs, etc., on unlicensed premises.* (See Nos. 3 and 15.)

**28. VESSELS, LIQUORS ON.**

Liquors must not be sold or kept for sale in any room or place on any ferry boat or vessel navigating any

of the great lakes or the rivers St. Lawrence or Ottawa or any of the inland waters of the Province of Ontario. (Sec. 10).

The owner, captain, master or other person in command or in charge of such ferry boat or vessel shall be deemed to be "the occupant" within the meaning of section 103 of this Act, and for every contravention of the provisions of this Act, on board such ferry boat or vessel shall personally incur the penalty and punishment prescribed in said Act in the same manner and to the same extent as the occupant of a house, shop, room or other place. (Sec. 11 (2).)

(*Penalties under sec. 65.*)

## PART II.

## LICENSED PREMISES.

## 29. BAR-TENDERS' LICENSES.

The expression "bar-tender" means and includes any person who sells or supplies liquor exclusively in the bar room or other place from which liquor is dispensed under a license.

[The delivery of liquor by any person in any place in a licensed tavern other than the bar room or place from which liquor is dispensed is not affected by this section.]

No keeper of a licensed tavern in any city or town or in any locality in Ontario without county organization (called a licensee) shall employ any bar-tender or permit any person to act as such in or upon his licensed premises who is not during the whole time he is employed or permitted to act, the holder of a bar-tender's license, unless it be a male member of his family of the full age of 21 years.

Such license shall only be valid during the currency of the licensed year in which it is issued, and shall expire on the last day of the month of April then next ensuing. And it must not be issued to any other than a male person of the full age of 21 years, and of good character. But a licensee may in a case of temporary emergency employ as bar-tender any male person of the full age of 21 years for 2 days only, not necessarily consecutive in any one calendar month.

Any licensee who employs any unlicensed bar-tender or permits him to act as such in violation of this Act will incur a penalty for every day or portion of a day during which such violation continues of not less than \$10, and not more than \$20, or imprisonment for a period not exceeding one month. The said penalties are imposed against any person acting as a bar-tender without

## 29. BAR-TENDERS' LICENSES.

(What is "the bar.") See *Donoghue v. McIntyre*, 48 Scotch L. R. 310; *R. v. Boomer*, 15 O. L. R. 321.

a license, and in any prosecution the onus of proving that he holds a license shall rest upon the defendant. Any licensed bar-tender who sells or delivers or causes to be sold or delivered any liquor in contravention of the provisions of this Act, or of any by-law or regulations made under the said Act to any person whomsoever will incur a penalty not exceeding \$20, or to imprisonment for one month, and his license may be cancelled by the License Commissioners.

To give validity to a bar-tender's license in any district other than where issued the inspector of such district must endorse the same.

A bar-tender's license and an Inspector's endorsement can be proved in Court by the production of the Inspector's book containing entries thereof, or a certificate of any such entry purporting to be signed by the proper Inspector without requiring proof of his signature.

Every licensed bar-tender must produce his license forthwith on request to any Inspector or other official appointed by the Crown, or to any constable or police officer under a penalty for neglect or refusal not exceeding \$10 and costs or 10 days in gaol. (Sec. 40.)

### 30. BARS, NUMBER ALLOWED.

Only one bar shall be kept in any house or premises licensed under this Act. (Sec. 32 (2).)

*Penalties.*—First offence, \$20 to \$50, or one month; second offence, \$40 to \$60 or 2 months; third offence, 3 months. (Sec. 79.)

### 31. BEER AND WINE LICENSE.

A beer and wine license shall be construed to mean a tavern license for selling lager beer, ale, beer and porter, and also native wines manufactured in Ontario containing not more than 15 per cent. of alcohol, and light foreign wines (but not including port, sherry or madeira) containing not more than 15 per cent. of alcohol, such percentage to be determined by weight. The liquors are to be sold in quantities of not more than one quart, and must be drunk on the premises where sold. The holder of any such license is subject to the same conditions and

### 30. BARS, NUMBER ALLOWED.

*Donoghue v. McIntyre.* 48 Scotch L. R. 310.

penalties as a tavern licensee. And any beer and wine licensee, his servants or agents, selling or bartering, giving or keeping in the house or upon the licensed premises intoxicating liquors not mentioned in the license, or native or light foreign wines containing alcohol exceeding 15 per cent. thereof, or port, sherry, or madeira, will be liable as for selling or keeping without a license. (Secs. 36, 37 and 38.)

*Penalties.*—First offence \$100 to \$500 or 3 months; second or any subsequent offence 4 months, and license may be cancelled. (Secs. 65 and 38.)

Liquors may also be confiscated. (Sec. 57.)

### 32. CLUBS. (See No. 19.)

### 33. DISORDERLY CONDUCT IN LICENSED HOUSES.

If any person licensed under this Act permits drunkenness, or any violent, quarrelsome, riotous or disorderly conduct to take place on his premises, or sells or delivers

#### 33. DISORDERLY CONDUCT IN LICENSED HOUSES (PERMITTING DRUNKENNESS, ETC.)

*Edmunds v. James*, 65 L. T. 675; *Hope v. Warburton*, 66 L. T. 589; *Somerset v. Wade*, 70 L. T. 452; *Ex p. Ethelstone*, 33 L. T. 339; *Kes-sack v. Smith*, 7 F. (Just. Cas.) 75; *Thompson v. McKenzie*, 24 T. L. R. 330; *Townsend v. Arnold*, 75 J. P. 423; *Warden v. Tye*, 35 L. T. 852; *Sealy v. Tandy*, 19 L. T. R. 38; *Howell v. Jackson*, 6 C. & P. 725; *R. v. Willoughby*, 1 East. P. C. 288.

(*Selling to Drunken Person*).—*Condy v. Le Cocq*, 51 L. T. 265; *R. v. McNulty*, 37 Ir. L. R. 138; *Scratchard v. Johnson*, 57 L. J. M. C. 41.

(*GAMING*).—*Jenks v. Turpin*, 50 L. T. 808; *Luff v. Leaper*, 36 J. P. 773; *Patten v. Rhynter*, 29 L. J. M. C. 189; *Courig v. Rogan*, 2 I. R. 429; *Dyson v. Mason*, 58 L. J. M. C. 55; *Lockwood v. Cooper*, 20 Cox C. C. 539; *Morris v. Godfrey*, 28 T. L. R. 400; *Avards v. Dance*, 26 J. P. 437; *Somerset v. Hart*, 53 L. J. M. C. 77; *Bosley v. Davies*, 33 L. T. 528; *Redgate v. Haynes*, 45 L. J. M. C. 65; *Lee v. Taylor*, 29 T. L. R. 52; *Crabtree v. Hole*, 43 J. P. 799; *Bond v. Evans*, 59 L. T. 411; *R. v. Holland, JJ.*, 46 J. P. 312; *Burton v. Scott*, 21 Cox C. C. 799; *R. v. Ashton*, 22 L. J. M. C. 1; *Beir v. Harston*, 47 L. J. M. C. 121; *Dunfield v. Taylor*, 20 L. T. 483; *Rex v. Whelan*, 9 W. L. R. 424 (B.C.); *Hare v. Osborne*, 34 L. T. 294; *Cooper v. Osborne*, 35 L. T. 347; *Ovenden v. Raymond*, 34 L. T. 698; *Lawson v. Edmison*, 21 Cox C. C. 734.

(*Gaming Machines*).—*Fielding v. Turner*, 19 T. L. R. 404; *Thompson v. Mason*, 68 J. P. 270; *Ogilvie v. Benigno*, 7 F. 82; *Roberts v. Harrison*, 101 L. T. 540.

(*"Notoriously Bad Character"*).—*Marshall v. Fox*, L. R. 6 Q. B. 370; *Whitfield v. Bainbridge*, 30 J. P. 644; *Relasco v. Hannant*, 6 L. T. 577; *Parker v. Green*, 31 L. J. M. C. 133; *Cole v. Coulson*, 29 L. J. M. C. 125; *Miller v. Dudley, JJ.*, 46 W. R. 606; *Greig v. Bendeno*, 27 L. J.

liquor to any drunken person, or permits and suffers any drunken person to consume any liquor on his premises, or permits and suffers persons of notoriously bad character to assemble or meet on his premises, or suffers any gambling, or any unlawful game to be carried on on his premises, he shall incur a penalty of not less than \$10 and not exceeding \$50. (Sec. 70.)

(7) And any person so licensed may, if he has reasonable ground to suspect from the conduct of any person who has come upon his licensed premises, although not of notoriously bad character, that such person is present for some improper purpose, may request him or her to immediately leave such premises, and unless the request is forthwith complied with, such person may be forcibly removed. (Sec. 70, sub-sec. 2.)

The Mayor or Police Magistrate of a town or city, or the Reeve of a township or village with any one Justice of the Peace, or any two Justices of the Peace, having jurisdiction in the township or village, upon information to them or one of them respectively that any keeper of any tavern, situate within their jurisdiction sanctions or allows gambling or riotous or disorderly conduct on such premises, may summon the keeper of such tavern, to answer the complaint, and may investigate the same summarily and either dismiss the complaint with costs to be paid by the complainant, or without costs, or convict the keeper of having an improper or riotous, or disorderly house as the case may be, and annul his license, or suspend the same for not more than sixty days with or without costs as in his or their discretion may seem just.

And if the license be annulled he will not be eligible to obtain a license for two years thereafter and also incur the penalties under section 79. (Sec. 75.)

*Penalties.*—First offence, \$20 to \$50, or one month; second offence, \$40 to \$60, or two months; third offence, three months.

M. C. 294; *Purkis v. Hurtable*, 28 L. J. M. C. 221; *Wray v. Toke*, 17 L. J. M. C. 183.

(*Liability for Servants' Acts.*)—*Commissioner of Metropolitan Police v. Cartman*, 12 T. L. R. 334; *Coppen v. Moore*, 14 T. L. R. 414; *Newman v. Jones*, 55 L. T. 327; *R. v. Gilroys*, 4 Sc. Sess. Cas. 656; *Boyle v. Smith*, 22 T. L. R. 200; *Newman v. Leach*, 2 T. L. R. 600; *Stansfield v. Andrews*, 25 T. L. R. 259; *Seager v. White*, 51 T. L. R. 261.

**34. FRAUD IN LIQUOR SALES.**

Bottled liquors for customers or guests must be kept whilst on licensed premises in the bottles delivered to the keeper, and no bottle after being emptied shall be refilled either partially or wholly by the keeper or any other person on his behalf for the purpose of supplying liquor or any substance or liquid to any customer or guest. (Sec. 25.)

No holder of a tavern or shop license shall use or permit to be used any sign or label on any bottle, cask or other vessel in which liquor is kept for sale upon the licensed premises, which does not correctly and truly state the nature of the contents thereof, or which is in any manner calculated to mislead a customer or guest as to the nature, description or quality of such contents. (Sec. 25, sub-sec. 2.)

No unlicensed person shall sell or keep for sale any beverage contained in bottles, on which there has not been previously placed a label containing the name or other brief designation of such beverage, and in the case of any product known as temperance beer, or other similar beverage such label in addition to the name shall show, in a legible manner, that the contents of the bottle contains less than two and one-half per cent. of proof spirits, and the owner or person on whose premises any such unlabelled beverage is found or who has sold such beverage shall be guilty of an offence against this Act, and any such beverage may be seized and the convicting magistrate may by his order direct its destruction. (Cui. 1914 amendment.)

No holder of a tavern or shop license or any other person shall for any purpose whatsoever mix or permit or cause to be mixed with any liquor sold or supplied by him on the licensed premises as a beverage any drug or any form of methylic alcohol, or any crude unrectified or impure form of methylic alcohol, or other deleterious substance or liquid. (Sec. 25.)

And no person other than the manufacturer of the said liquor, or persons acting under his authority, shall attach or cause to be attached to any bottle, flask, cask or other vessel or package of spirituous liquors any label, stamp or other device containing any statement or information as to the name of the manufacturer of the said liquor. (Sec. 25, sub-sec. 4.)



**Penalties.**—First offence, \$20 to \$50, or 3 months; second offence, \$50 to \$100, or 6 months; third offence, 12 months imprisonment. (Sec. 25, sub-sec. 5.)

**35. ANALYSIS OF LIQUOR AND PROOF OF.**

Any Inspector, or any special officer appointed by the Minister has the right to take from the liquors kept by the holder of a tavern or shop license upon the licensed premises sufficient thereof for the purpose of analysis. (Sec. 25, sub-sec. 6.)

And in any prosecution the production of a certificate signed by the government analyst and of an affidavit attesting his signature will be conclusive evidence of the facts stated therein. (Sec. 106.)

**36. HARBOURING CONSTABLES IN LICENSED PREMISES.**

Any person licensed to sell liquor, or any keeper of the house, shop, room, or other place for the sale of liquor who knowingly harbours or entertains any constable belonging to any police force, or suffers such person to abide or remain in his shop, room or other place during any part of the time appointed for his being on duty, unless for the purpose of quelling any disturbance, or restoring order, or otherwise in the execution of his duty, shall, for any of such offences, upon a first conviction incur a penalty of not less than \$50, nor more than \$100 and costs, and in default of payment shall be liable to imprisonment for one month, and upon a second conviction under this section his license shall be cancelled in the manner provided by section 81. (Sec. 76.)

**37. INTERNAL COMMUNICATION BETWEEN LICENSED AND UNLICENSED PREMISES.**

(1) Every person who makes or uses, or allows to be made or used, any internal communication between any licensed premises and any unlicensed premises which are used for public entertainment or resort or as a refreshment house, shall incur a penalty of not less than \$10 nor more than \$50 for every day during which such communication remains open. (Sec. 71.)

**38. HARBOURING CONSTABLES IN LICENSED HOUSES.**

*Somerset v. Wade*, 10 T. L. R. 313; *Sherras v. De Rutzen*, 72 L. T. 839.

38. " KEEPER " when used with respect to licensed premises, means and includes the person to whom the license was issued, or who is the holder of the license, and where a license is held by a firm, means and includes the firm and every individual member thereof, and where the license is held by an incorporated company means and includes the company and manager, superintendent, or other person in charge of the premises, or responsible for the conduct of the business therein carried on. (Sec. 2f.)

### 39. LICENSED COMPANIES.

A tavern or shop license may be granted or transferred to an incorporated company, and the manager thereof is liable to the same fines and penalties for any violation of this Act as if the license had been issued to him in his own name. (Sec. 19.)

The license granted to any company may be revoked or cancelled under the circumstances and in the manner provided by section 81, or by any other section of this Act, and those sections shall apply to companies in the same manner and to the same extent as to individuals, and the conviction of the manager of the company for the time being shall for the purpose of the said sections be deemed to have been the conviction of the company. (Sec. 19, sub-sec. 5.)

### 40. LICENSED FIRMS, LIABILITY OF MEMBERS.

Every registered member of any licensed firm is severally liable to the fines and penalties imposed by this Act as if he were the holder of the license, but not more than one of the members shall be convicted of the same offence, and the conviction of one is a bar to the conviction of the other or others of them. (Sec. 18.)

The license granted or transferred to any firm may be revoked or cancelled under the circumstances and in the manner provided by section 81, or by any other section of this Act, and those sections shall apply to firms in the same manner and to the same extent as to individuals, and the conviction of any member of the firm shall for the purposes of those sections be deemed to have been the conviction of the firm. (Sec. 18, sub-sec. 5.)

*Rex v. Ogilvie*, 9 E. L. R. 361.

**41. "LICENSED PREMISES."**

"Licensed premises" means a warehouse, tavern or shop in respect to which a license under this Act has been granted and is in force, and shall include every room, closet, cellar, yard, stable, outhouse, shed and any other place whatsoever, of, belonging or in any manner appertaining to such warehouse, tavern or shop. (Sec. 2h.)

**42. LICENSES, HOW PROVED.**

By the production of a certificate under the hand of the Inspector of the License District. (Sec. 96.)

**43. LICENSES TO BE KEPT EXPOSED.**

Licenses are to be kept exposed constantly and conspicuously in the shop or in the bar room of the tavern in respect of which it has been granted. (Sec. 46.)

*Penalty.*—\$5 with costs for every day's wilful negligent omission. (Sec. 46.)

**44. LIQUOR IN TRANSIT, SEIZURE OF.**

Any officer, policeman, constable or Inspector who believes that liquor intended for sale or to be kept for sale in violation of this Act is contained in any vehicle, trunk, box, valise, bag, or other receptacle on a public highway or elsewhere, or upon the premises of any railway company, or at any wharf, railway station, express office, warehouse or other place, or is concealed upon the lands of any person, and whether in transit or in course of delivery, may forthwith seize and remove such liquor and vessels containing the same from any other person's custody or control, and may enter upon and search such vehicle and lands for such purpose.

The person who seizes liquor as aforesaid must give information under oath before a justice who will issue his summons to the shipper, consignee, or owner of the liquor, if known, calling on him to appear at a

**41. "LICENSED PREMISES" DEFINITION OF.**

*R. v. Palmer*, 46 Q. B. R. 262.

**42. LICENSES, HOW PROVED.**

*R. v. Flynn*, 20 O. R. 638.

time and place named therein and shew cause why such liquor should not be destroyed, or otherwise dealt with as provided by this Act.

The summons shall be made returnable within 30 days after service which shall be sufficient if delivered to the shipper, consignee or owner, or be left with some grown up person at the express office, railway station or other place in which the liquor is found, or to the owner of the lands on which the same is found.

If no person claims to be the owner of the liquor, or if the Magistrate disallows such claim, and finds that it was intended that such liquor was to be sold or kept for sale in contravention of this Act, he may order the liquor so seized and any vessels containing the same to be forfeited to His Majesty and destroyed or otherwise dealt with as the Minister may direct. But where the ownership of the liquor is established and it does not appear that it was intended to be sold or kept for sale in contravention of this Act, the complaint shall be dismissed and the liquor restored to the owner.

If it appears to the Justice that any of such liquor was consigned to some person in a fictitious name, or was shipped as other goods, or was covered or concealed in such a manner as would probably render discovery of the nature of the contents of the vessel, cask, or package in which the same was contained more difficult, it shall be *prima facie* evidence that the liquor was intended to be sold or kept for sale in contravention of this Act. (Sec. 134.)

#### 45. LODGING, ETC., FOR TRAVELLERS.

Every tavern keeper failing or refusing either personally or through any one acting on his behalf, except for some valid reason to supply lodging, meals or accommodation to travellers, will for each offence incur a

#### 45. LODGING, ETC., FOR TRAVELLERS.

*R. v. Ivens*, 7 C. & P. 219; *Fell v. Knight*, 8 M. & W. 276; *R. v. Rymer*, 46 L. J. M. C. 108; *Thompson v. Lacey*, 3 B. & Ald. 283; *R. v. Sprague*, 63 J. P. 223; *R. v. Smith*, 65 J. P. 521; *Brown v. Brandt*, 18 T. L. R. 399; *Lamond v. Richa*; 13 T. L. R. 235.

(*Bona Fide Traveller*.)—*Coulbert v. Troke*, 1 Q. B. D. 1; *Atkinson v. Sellers* 5 C. B. (N.S.) 442; *Taylor v. Humphreys*, 17 C. B. (N.S.) 539; *Peplow v. Richardson*, L. R. 4 C. P. 168; *Penn v. Alexander*, 1 Q. B. 522; *Oldham v. Sheasby*, 60 L. J. M. C. 81; *Stevenson v. Rogers*, 80 L. T. 193; *Pasquier v. Neale*, 2 K. B. 287.

penalty not exceeding \$20. But no tavern keeper shall be compellable to supply liquor to any person whomsoever except upon the order of a duly qualified medical practitioner. (Sec. 69.)

#### 46. PROPER ACCOMMODATION IN TAVERNS.

Every tavern keeper failing or refusing to obey the written directions of a Provincial Inspector given under the provisions of sec. 126 of this Act as to providing other or additional accommodations, furniture and appliances, or as to any other matter he may deem necessary for the safety, comfort and convenience of guests, shall for each day during which such failure or refusal continues be liable to a penalty of \$5 and costs. (Sec. 69, sub-sec. 3, and sec. 126.)

#### 47. MINORS, SALE OF LIQUOR TO.

Any person who gives, sells or otherwise supplies liquor to any person apparently or to the knowledge of the person giving, selling or otherwise supplying the same under 21 years of age, shall incur a penalty of not less than \$10 and not exceeding \$50, besides costs, or imprisonment for a period not exceeding 3 months, but nothing in this section shall apply to the supplying of liquor to such minor by his parent, guardian or physician. (Sec. 72.)

#### 48. MINOR MUST GIVE NAME OF PERSON SELLING LIQUOR TO HIM.

Where it has been proved that liquor has been sold or supplied to a minor such minor must disclose upon oath the name of the person from whom such liquor was obtained, and the date when the same was sold or supplied, and in case of refusal he shall be guilty of an offence, and may, upon the order of the Magistrate, before whom the prosecution is brought be forthwith imprisoned for any period not exceeding 3 months, unless he sooner discloses such information, and pays the costs of his committal; and for the purpose of making such

#### 47. MINORS. SALE OF LIQUOR TO.

*R. v. Quirk*, 8 E. L. R. 56; *Gilbert v. Brown*, 21 O. L. R. 540; *Perkins v. Brais*, 20 Que. S. C. 536.

disclosure, he may at any time be brought before the same or any other magistrate, or may disclose the said information by affidavit. (Sec. 72, sub-sec. 3.)

#### 49. MINORS LOITERING IN BAR ROOMS.

Any licensed person who, without proper cause, suffers or permits any person of either sex, apparently or to the knowledge of such licensed person under the age of twenty-one years, unaccompanied by his or her parent or guardian, and not being a resident on the premises of such licensed person or a *bona fide* lodger or boarder, without good and sufficient reason, to linger or loiter in or about any bar room or other room on such premises in which liquor is dispensed, shall for every such offence incur a penalty of not less than \$2 and not exceeding \$10, besides costs, and any such person so lingering or loitering as aforesaid without good and sufficient cause, and who is not a resident on the premises, or a *bona fide* lodger or boarder, or who is not accompanied by his or her parent or guardian, shall also be liable to a like penalty and costs. (Sec. 72, sub-sec. 4.)

#### 50. PAWNING OR SELLING GOODS TO LICENSEES.

If any person holding a license purchases from any person any wearing apparel, tools, implements of trade or husbandry, fishing gear, household goods, furniture or provisions, either by way of sale or barter, directly or indirectly, the consideration for which in whole or in part is any liquor or the price thereof; or receives from any person any goods in pawn, any Police Magistrate or any two Justices of the Peace on oath being made before him or them of the facts may issue his or their warrant\* for the restitution of all such property and for the payment of costs; and in default thereof the warrant shall contain directions for levying by sale of the offender's goods to the value of such property so pawned, sold or bartered, and costs, and the offender shall also incur a penalty not exceeding \$20. (Sec. 60.)

\*Issue summons first charging defendant with the offence of illegally purchasing goods, or receiving in pawn, as the case may be. If defendant found guilty then issue warrant for restitution, etc. [See form of this warrant in schedule of forms].

No tavern or shop licensee shall by himself or by any one on his behalf take or receive in payment or part payment for liquor or cash or convert into money any time cheque, pay cheque or order for money or money's worth issued in payment of wages or as a voucher therefor to any person not in the employment of such licensee. (Sec. 60, sub-sec. 2.)

**51. PURCHASER'S LIABILITY FOR CONSUMPTION ON PREMISES OF WHOLESALE OR SHOP LICENSEE.**

Any purchaser of liquors in a house or premises to which a shop or wholesale license applies, who drinks or causes any one to drink, or allows liquor to be drunk in the shop or premises\* where the same has been purchased shall be liable to a penalty of not less than \$10 and not exceeding \$20. (Sec. 74, sub-sec. 2.)

**52. REMOVAL OF LIQUOR TO EVADE CONDITIONS OF LICENSE.**

If any person licensed to sell liquors not to be drunk on the premises, himself takes or carries or employs or suffers any other person to take or carry any liquor out of or from the premises of such licensed person for the purpose of being sold on his account, or for his benefit or profit, and of being drunk or consumed in any other house, tent, shed or other building of any kind whatever belonging to such licensed person, or hired, used or occupied by him, or on, or in any place whether enclosed or not, and whether or not a public thoroughfare, such liquor shall be deemed to have been consumed by the purchaser thereof on the premises of such licensed person with his privity and consent, and such licensed person shall incur the penalty provided by this Act. (Sec. 73.)

*Penalties.*—For first offence, fine not exceeding \$20; and for a second or any subsequent offence, fine not less than \$10 and not exceeding \$50. (Sec. 74.)

In any proceeding under Section 73 it is not necessary to prove that the premises to which the liquor is taken to

**52. REMOVAL OF LIQUOR TO EVADE CONDITIONS OF LICENSE.**

*Bath v. White*, 3 C. P. D. 175, 26 W. R. 617; *Deal v. Scholefield*, 17 L. T. 143; *Cross v. Watts*, 11 W. R. 210; *Scratchard v. Johnson*, 57 L. J. M. C. 41; *Evans v. Hemingway*, 52 J. P. 134.

\* See Nos. 41 and 54, as to expression "premises."

be drunk, belonged to or were hired, used, or occupied by the seller, if it appears to the Court that such liquor was taken to be consumed thereon or therein with intent to evade the conditions of his license. (See 73, sub-sec. 2.)  
(See also No. 72.)

### 53. SAMPLE AND COMMISSION LICENSES.

No person shall act in Ontario as the agent or employee of any person not a resident of Ontario for the purpose of selling liquor by sample or on commission or otherwise in Ontario, or for soliciting or receiving orders for the delivery of liquor to any person, licensed or unlicensed, unless he has a *Sample and Commission License*, under the penalties prescribed by section 65 of this Act. (See No. 105.)

A sample and commission license authorises the holder to sell liquor not the property of such holder by sample or on commission and to solicit and receive orders for such liquor from persons who hold licenses under *The Liquor License Act* (Part I.), in the quantities authorised by a wholesale license, whether such liquor is in Ontario, or is held in bond or otherwise elsewhere. (Sec. 173.)

### 54. SELLERS' LIABILITY FOR CONSUMPTION ON HIS PREMISES.

If any purchaser of any liquor from a person who is not licensed to sell the same to be drunk on the premises, drinks, or causes or permits any other person to drink such liquor on the premises where the same is sold, the seller of such liquor shall if it appears that such drinking was with his privity or consent be subject to the following. (Sec. 74.)

*Penalties.*—First offence, up to \$20; second or subsequent offence, \$10 to \$50.

For the purpose of Section 74 the expression "premises where the same is sold" shall include any premises adjoining or near the premises where the liquor is sold, if belonging to the seller of the liquor, or under his control, or used by his permission. (Sec. 74, sub-sec. 3.)

### 55. SIGNS ON LICENSED PREMISES.

Every keeper of a licensed tavern (beer and wine licensees excepted) must exhibit over the door of his



licensed premises a sign, bearing in large letters the words: "*Licensed to sell wine, beer and other spirituous or fermented liquors.*"

A beer and wine licensee must exhibit over the door of his premises a similar sign bearing the words: "*Licensed to sell beer and wine.*"

Penalty for not complying with this section \$5 with costs. (Sec. 47.)

**56. "SHOP LICENSE," INTERPRETATION OF. SHOP LICENSEE SELLING LESS THAN PRESCRIBED QUANTITIES.**

"Shop license" means a license for selling, by retail, liquor in shops, stores or places other than taverns, in quantities of not less than three half pints, or, if sold in unbroken packages, not less than one half pint at any one time, to any one person, and at the time of sale to be wholly removed and taken away in quantities of not less than three half pints or one half pint at a time as the case may be. (Sec. 2n.)

Three half pints, where bottled liquor is sold is to be equivalent to five quarter pints Imperial measure. (Sec. 2q.)

*Penalties.*—First offence, \$20 to \$50 or one month; second offence, \$40 to \$60 or two months; third offence, three months. (Sec. 79.)

**57. SHOP LICENSEE PERMITTING CONSUMPTION ON PREMISES.**

A shop licensee must not allow liquor sold by him or in his possession to be consumed within his shop, or within the building of which such shop forms part, or which communicates by any entrance with such shop, either by the purchaser thereof, or by any other person not usually resident within such building, under the penalty in money and costs imposed by sec. 65 of this Act. (Sec. 58.)

**58. "SHOP LICENSE," INTERPRETATION OF.**—*Reid v. McWhinnie*, 27 Q. B. 289; *R. v. Cunerty*, 26 O. R. 51; *R. v. Denham*, 35 U. C. R. 503; *R. v. Strachan*, 20 C. P. 182.

(See cases noted under No. 65 re selling off licensed premises.)

**57. SHOP LICENSEE PERMITTING CONSUMPTION ON PREMISES.**

*Deal v. Schofield*, 3 L. R. Q. B. 8; *Watts v. Cross*, 13 C. B. N. S. 239; *Bath v. White*, 3 C. P. D. 175.

(See cases cited under No. 52.)

**58. SHOP LICENSEE HAVING OTHER GOODS FOR SALE IN LIQUOR STORE.**

If any commodity other than mineral or aerated waters (not containing spirits) ginger ale, liquor cases, bottles, liquor baskets, packages, taps or faucets, is or are sold or exposed for sale in any licensed shop the license shall be void, the licensed person may be convicted of selling liquor without license, and such conviction shall be conclusive evidence that such person has ceased to be the holder of a license.

But the licensee may keep and sell cigars in unbroken packages of not less than fifty cigars, or fifty cigarettes, or five pounds of tobacco, to be taken away, and not to be used or consumed on the premises. (Sec. 43.)

*Penalties.*—First offence, \$100 to \$500 or three months; second or any subsequent offence, four months. (Sec. 65.)

**59. SHOP LICENSEE SELLING NON-INTOXICATING LIQUORS BY RETAIL.**

A shop licensee must not sell the mineral or aerated waters or ginger ale, mentioned in section 43 except in their original packages, under the same penalty as is provided for a breach of section 58 of this Act. (Sec. 43, sub-sec. 3.)

*Penalties.*—First offence, \$100 to \$500, or 3 months, second or any subsequent offence, 4 months. (Sec. 65.)

**60. INTERNAL COMMUNICATION BETWEEN STORE AND LIQUOR DEPARTMENT.**

Any licensed shopkeeper who makes or uses or allows to be made or used any internal communication between his licensed premises and any shop or premises in which other goods are sold shall be liable to the following:

*Penalties.*—(For every day or part of a day.) First offence, \$20 to \$50 or one month; second offence, forfeiture of license, which becomes void. (Sec. 71, sub-sec. 2.)

**61. COMMUNICATION BETWEEN SHOP AND BREWERY.**

No shop or premises wherein any liquor is sold by retail, or wherein is kept any broken package of any

liquor shall communicate by any entrance with any Brewery or Distillery. (Ses. 157 (3).). Penalty under sec. 79.

**62. "TAVERN LICENSE," INTERPRETATION OF.**

"Tavern license" shall mean a license for selling liquor in quantities not exceeding one quart, for consumption only on the licensed premises in which the same liquor is sold. (Sec. 2, sub-sec. 2.) [See sec. 52, No. 72, Part III.]

**63. "TAVERN."**

"Tavern" means an hotel, inn, or other public house of entertainment kept for the purpose of providing refreshment and accommodation which includes board and lodging for the public. (Sec. 2o.)

**64. UNLAWFUL SALES TO UNLICENSED PERSONS.**

If any person by himself or his partner, servant, clerk, agent \* or otherwise sells or delivers intoxicating liquors of any kind to any person not entitled to sell liquor, and who sells such liquor, or who buys for the purpose of re-selling, will be guilty of an offence under this Act, unless it appears that he had reason to believe and did believe that such person to whom the liquor was sold or delivered was duly licensed to sell, or did not sell unlawfully, or did not buy to re-sell. (Sec. 59.)

*Penalties.*—First offence, \$20 to \$50, or one month; second offence, \$40 to \$60, or two months; third offence, three months.

**65. WHOLESALE LICENSE, INTERPRETATION OF.**

"Wholesale license" means a license for selling by wholesale only, liquor in warehouses, stores, shops, or places other than taverns, in quantities of not less than five gallons in each cask or vessel at any one time; or, where such selling by wholesale is in respect of bottled ale, porter or beer, wine or other fermented liquor, in

**62. "TAVERN LICENSE," INTERPRETATION OF.**

*R. v. Trainor*, 18 O. W. R. 474; *R. v. Lamphier*, 17 O. L. R. 244; *R. v. Stephens*, 9 W. L. R. 141.

\**Rex v. Calcutt*, 17 O. L. R. 363.

quantities of not less than one dozen bottles of at least three half pints each, or two dozen bottles of at least three-fourths of one pint at any one time; or where such selling is in respect of distilled liquor in quantities of not less than five gallons when sold in bulk, or one dozen reputed quart bottles, or a quantity equivalent thereto, when in flasks or bottles of a smaller size, at any one time. (Sec. 152c.) And see Sec. 168.)

[NOTE.—A contravention as to place or quantities, penalties as for sale without license under sec. 65.]

#### 66. BREWERS AND DISTILLERS.

No brewer or distiller shall sell any spirituous or fermented liquors unless he is the holder of a Provincial License for the sale of liquor manufactured by him, nor unless the license is in force at the time of such sale. (Sec. 153.) Penalties under sec. 65.

Under a brewers' license ale and beer can be sold on the premises on which they are manufactured but to persons who are not holders of licenses, no sale shall be made directly or indirectly within any local option municipality. (Sec. 155.) Penalties under sec. 65.

Brewers must not sell ale and beer (other than lager beer) in quantities of less than 10 gallons, wine measure, or lager beer in casks of less than 4 gallons, wine measure, or in bottles less than 1 dozen of 3 half pints, or 2 dozen of three-fourths of one pint each at any one time. (Sec. 155, sub-sec. 4.)

Penalties under sec. 79.

A distiller may sell in quantities authorised by wholesale license, spirits manufactured by him, if the sale is made on the premises in which such spirits are manufactured. (Sec. 156.)

#### 65. WHOLESALE LICENSE.

(Sale of Licensed Premises.)—*Stallard v. Marks*, 38 L. T. 566; *Pletts v. Campbell*, 2 Q. B. 229, 43 W. R. 634; *Pletts v. Beattie*, 1 Q. B. 519, 74 L. T. 148; *Guild v. Freeman*, 36 Sc. L. R. 6; *R. v. Gilroy*, 4 Sc. Sess. Cas. 656; *Cocker v. McMullen*, 81 L. T. 784; *Hewitt v. Jarvis*, 68 J. P. 54; *Walker v. Walker*, 20 Cox C. C. 594; *Strickland v. Whittaker*, 20 T. L. R. 224; *Stansfield v. Andrews*, 22 Cox C. C. 84; *Boyle v. Smith*, 22 T. L. R. 200; *Cameron v. Buchan*, 23 R. (J.C.) 46; *Rez v. Crowson*, 6 E. L. R. 558.

#### 66. BREWERS AND DISTILLERS.

*Rez v. Calcutt*, 17 O. L. R. 363. (See cases noted under No. 65.)

**67. WHOLESALE LICENSEES PERMITTING CONSUMPTION ON PREMISES.**

No person having a license to sell by wholesale must allow any liquor sold by him, or in his possession for sale, and for the sale or disposal of which a license is required, to be consumed within his warehouse or shop, or within any building which forms part of or is appurtenant to, or which communicates by any entrance with any warehouse, shop or other premises wherein any article to be sold or disposed of under such license is sold by retail or wherein there are kept any broken packages of such articles. (Sec. 171.)

*Penalties.*—First offence, \$20 to \$50, or one month; second offence, \$40 to \$60, or two months; third offence, three months. (Sec. 79.) (See cases under No. 52.)

**68. WHOLESALE LICENSE VOID, WHEN.**

A wholesale license becomes void if the holder thereof directly or indirectly, or by or with any partner, clerk, agent or other person, carries on, upon the premises to which such license applies the business of a retail dealer in any other goods, wares or merchandize. (Sec. 170.)

**69. WAREHOUSE LICENSE.**

A warehouse license granted to a licensed Brewer or Distiller is authority for the holder thereof maintaining and keeping in any city or town for which such license may be issued a warehouse for the storage of unbroken packages of beers or spirits manufactured by him and to sell and supply same thereupon to customers in such city or town in the quantities authorised to be sold under Provincial Licenses, but no such beers or spirits shall be sold to any unlicensed person in any municipality having a population of less than 4,000 nor within any municipality where a Local Option By-law is in force. (Sec. 157 (2).)

## PART III.

## PROHIBITED HOURS FOR SELLING, ETC.

## 70. BETWEEN SATURDAY AND MONDAY.

Subject to the provisions hereinafter contained in every place where liquor is authorized to be sold by wholesale or retail, no sale or other disposal of liquor shall take place therein, or out of, or from the same, to any person whomsoever from or after the hour of seven of the clock in the afternoon of Saturday until eight of the clock in the forenoon of Monday thereafter, save and except in cases where a requisition for medical purposes signed by a legally qualified medical practitioner is produced by the vendee or his agent; nor shall any liquor, whether sold or not, be permitted or allowed to be drunk in any such place during the time prohibited for the sale of the same, except by the occupant, or some member of his family or lodger in his house. (Sec. 50.)

*Penalties.*—First offence \$50 to \$100, or 1 month; second offence \$100 to \$200 or 3 months; third offence, \$200 to \$400 or 5 months. (Sec. 66.)

## 71. OTHER PROHIBITED SALES.

No sale or other disposal of liquor shall take place in any place where liquor is authorized to be sold by wholesale or retail, or on the premises thereof, or out of or from the same to any person whomsoever, save and except in cases where a requisition for medical

## 70. PROHIBITED HOURS FOR SELLING, ETC.

*R. v. Southwick*, 21 O. R. 670; *R. v. Rodicell*, 5 O. R. 186; *R. v. White*, 21 C. P. 354; *R. v. Cavanagh*, 27 C. P. 537; *R. v. Parlee*, 23 C. P. 359; *R. v. French*, 34 U. C. R. 403; *R. v. Black*, 43 U. C. R. 180; *R. v. Duggett*, 9 P. R. 29; *R. v. Walsh*, 18 C. L. T. p. 10; *Saunders v. Thorney*, 78 L. T. 627; *Finch v. Blundell*, 5 L. T. 612; *Smith v. Vaux*, 6 L. T. 46; *Thomson v. Greig*, 34 J. P. 214; *Jefferson v. Richardson*, 35 J. P. 470; *Brewer v. Shepherd*, 37 J. P. 102; *Pearse v. Gill*, 41 J. P. 712; *Noblett v. Hopkinson*, 21 T. L. R. 448; *Mackenzie v. Spear*, 69 J. P. 270; *Corbett v. Haigh*, 28 W. R. 430; *R. v. Renaud*, 13 O. W. R. 1090; (Query, "lodger" or "guest" see *Orchard v. Bush*, 14 T. L. R. 425.) *R. v. Bynny*, 43 N. S. R. 40; *R. v. Leschinski*, 20 W. L. R. 589; *R. v. Clark*, 9 D. L. R. 517.

purposes signed by a legally qualified medical practitioner is produced by the vendee or his agent, nor shall any such liquor whether sold or not, be permitted or allowed to be drunk in any such place, except by the occupant or some member of his family or lodger in his house, during the hours and upon the days following, that is to say:

(a) Between the hour, in townships, villages and unorganized territory of 10 o'clock, and in cities and towns, of 11 o'clock in the afternoon of any day of the week, other than Saturday and Sunday, and the hour of 8 o'clock in the forenoon of the next day upon which liquor may be lawfully sold in such place;

(b) During Christmas day, Good Friday, or any day on which a poll is being held throughout the municipality, or in the electoral district or ward in which such place is situate for or at any parliamentary election, or election of a member of the Legislative Assembly, or any municipal or school election, or under any Act of the Parliament of Canada, or of this Legislature, or any municipal by-law, respecting the prohibiting, restricting, regulating or affecting in any manner the sale of liquor. (Sec. 51), and 1914 Ont.

*Penalties.*—First offence, \$40 to \$60 or 20 days; second offence, \$60 to \$100 or 40 days; third offence, \$100 to \$200 or 3 months. (Sec. 66.)

[See cases noted under No. 70.]

## 72. KEEPER NOT TO SELL FOR REMOVAL.

The keeper of any licensed tavern who knowingly permits any liquor sold or otherwise disposed of on the licensed premises to be removed from such premises shall be guilty of an offence against this Act. (Sec. 52, sub-sec. 3.)

*Penalties* under Sec. 79. See also No. 52.

## 73. LIABILITY OF PURCHASER FOR REMOVAL.

Any person who, having purchased or received any liquor at or in a licensed tavern removes the same from the licensed premises in which the said liquor was so sold or received shall be guilty of an offence under this Act. (Sec. 52, sub-sec. 4.)

Except in cases where a requisition for medical purposes signed by a legally qualified medical practitioner is produced by the vendee or his agent. (Sec. 52, subsec. 5.)

*Penalties under sec. 79.*

**74. BAR ROOMS, WHEN TO BE CLOSED.**

(1) The keeper of any licensed tavern in a city, town or village, shall keep the bar-room or room in which liquor is trafficked in, closed as against all persons, other than those permitted to enter the same, under clauses (a) and (b) of this section, during the hours and on the days in which the sale of liquor is prohibited by sections 50 and 51 of this Act; and any keeper of such licensed tavern who allows or suffers any person or persons to frequent or to be present in such bar-room or room in which liquor is trafficked in during such hours or on such days shall be guilty of an offence under this Act, unless it is established to the satisfaction of the Police Magistrate or other Justice or Justices before whom the prosecution is heard.

(a) That the person so found frequenting, or present in the bar-room where liquor is trafficked in, as aforesaid, was at the time he or she so frequented or was present in such bar-room, a member of the family or household (other than a lodger, boarder, or guest), or a servant, or employee of such keeper actually engaged in necessary domestic occupation or service within the said bar-room.

(b) That such person was present therein lawfully engaged in receiving or supplying liquor which might lawfully be sold during said prohibited hours.

(2) The word "keeper" when used in this section shall include the person actually contravening the provisions of this section, whether acting on behalf of himself or of another or others, and the actual offender as well as the "keeper" of the licensed tavern shall personally incur the penalties imposed for the contravention of this section; and at the prosecutor's option the actual offender may be prosecuted jointly with or separately from the keeper, but both of them shall not be convicted of the same offence, and the conviction of one of them

**74. BAR-ROOMS, WHEN TO BE CLOSED.**

*R. v. Haggard*, 30 U. C. R. 152; *Newman v. Earl of Hardwick*, 8 A. & E. 124; *R. v. Bell*, 1 Sask. L. R. 1; *Harbottle v. Gill*, 41 J. P. 742.



shall be a bar to the conviction of the other of them therefor. (Sec. 52.)

*Penalties under sec. 79.*

**75. LIGHT IN BAR ROOM PRESUMPTIVE EVIDENCE.**

In cities, towns and incorporated villages in all cases where a light is seen burning in the bar room of a tavern where liquor is trafficked in at any time during which the sale or other disposal of liquors is prohibited by any provision of this Act, any such fact when proved will be *prima facie* evidence that a sale or other disposal of liquor by the keeper of such tavern or other place has taken place contrary to the provisions of this Act. (Sec. 101.)

**76. PERSONS FOUND IN BAR ROOMS.**

Every person, not liable or exempt under section 56, found in a bar room during the prohibited hours in said section mentioned, is guilty of an offence and liable to a penalty for each offence of not less than \$2 and not more than \$10, and in default of payment thereof the defendant may be imprisoned for a period not exceeding thirty days. (Sec. 53.)

**77. PERSONS OBTAINING OR APPLYING FOR LIQUOR.**

Every person not being the occupant, or a member of his family, or lodger in his house, who buys or obtains, or attempts to buy or obtain intoxicating liquor during the time prohibited by this Act for the sale thereof in any place where the same is or may be sold by wholesale or retail is guilty of an offence under this Act and shall incur a penalty for each offence of not more than \$10 and not less than \$2 besides costs. But the Magistrate or Justice on the prosecution of any offence against any of the provisions of this Act may, having regard to the demeanor of any witness and his mode of giving his evidence by certificate in that behalf, exempt any person from the operation of this section (55) and from all proceedings and penalties thereunder in respect of the subject matter of such complaint. (Sec. 55.)

But properly authorised detectives and officers acting under instructions against any suspected offender are exempt from the provisions of sections 55 and 56 of this Act. (Sec. 57.)

## PART IV.

## MISCELLANEOUS PROVISIONS.

## 78. APPEALS.

The defendant's right to appeal under this Act is limited to cases where the person convicted is a druggist or licensee, or the conviction is for any offence committed on or with respect to licensed premises.

The appeal is to the County Judge sitting in Chambers without a jury.

Notice of appeal must be given to the prosecutor or complainant within five days after date of conviction.

Where the penalty of imprisonment is adjudged, unless the defendant so appealing remains in custody, he must enter into a recognizance with two sufficient sureties in the sum of \$200.

If only a penalty or sum of money is adjudged to be paid, the defendant, instead of remaining in custody, may give such recognizance, or may deposit with the convicting Justice or Magistrate the amount of the penalty and costs and a further sum of \$25 to answer respondent's costs of appeal, and the Magistrate must transmit same with the depositions and other papers to the County Court Clerk.

On behalf of the prosecution an appeal will lie to the County Judge sitting in Chambers without a jury, in all cases in which an order has been made by a Justice dismissing an information or complaint laid by an Inspector or any one on his behalf for contravention of any of the provisions of this Act, provided the Attorney General of the Province so directs, and notice of appeal is given to the defendant or his solicitor within fifteen days after the date of such order of dismissal.

## 78. APPEALS.

*In re Watts & Emery*, 5 P. R. 267; *R. v. Grainger*, 46 U. C. R. 382; *R. v. Young*, 7 O. R. 78; *R. v. Scott*, 10 P. R. 517; *In re Brown & Wallace*, 6 P. R. 1; *R. v. Firmin*, 33 Q. B. 523; *R. v. Lynch*, 12 O. R. 372; *R. v. Lake*, 7 P. R. 215; *R. v. Clarke*, 44 U. C. R. 385; *R. v. Hoodless*, 45 U. C. R. 536; *R. v. Cunerty*, 26 O. R. 51; *R. v. Walsh*, 33 C. L. J. 537; *R. v. Fraser*, 42 N. S. R. 202; *R. v. Hawbolt*, 33 N. S. R. 165.

Within 10 days after service of the notice of appeal the County Judge must grant a summons calling upon the defendant and the magistrate making the conviction, or order of dismissal, as the case may be, to shew cause why the same should not be reversed and the case reheard.

The practice and procedure upon such appeals and all the proceedings thereon, shall thenceforth be governed by The Ontario Summary Convictions Act, so far as the same is not inconsistent with this Act. (Sec. 110 and 4 Geo. V. 1914.)

[See No. 87 as to convictions in appeal and right to amend.]

#### 79. "BOARD."

"Board" means the Board of License Commissioners appointed for any License District. (Sec. 2 (a).)

#### 80. CERTIFICATES OR REQUISITIONS OF MEDICAL PRACTITIONERS.

No holder of a tavern or shop license, and no druggist must sell or give or supply liquor to any person upon the requisition of a medical practitioner unless the same is dated and addressed to him by name, and states the kind and quantity of liquor [which must not exceed 6 ounces], and the purpose for which it is to be supplied, and the name and address of the person to whom it is to be delivered, and if such person is not the person for whose use the liquor is to be procured, then the name and address of such last mentioned person. (Sec. 68.)

*Penalties.*—As under secs. 50 or 51. [See Nos. 70 and 71.] (Sec. 68 (4).)

Every medical practitioner who gives any such requisition without stating therein the particulars required by the preceding section will be guilty of an offence against this Act, and shall incur the penalties provided by section 67 following.

Any medical practitioner who colorably gives a certificate or requisition for medical purposes without which liquor could not lawfully be obtained, to enable or for the purpose of enabling any person to obtain liquor to drink as a beverage, shall for the first offence be liable to

#### 80. CERTIFICATES OF MEDICAL PRACTITIONER.

*R. v. Kay*, 6 E. L. R. 272.

a penalty of not less than \$10 nor more than \$20, and for a second or any subsequent offence of not less than \$20 nor more than \$40. (Sec. 67.)

**81. COMMISSIONERS AND INSPECTORS NOT TO TAKE MONEY NOR ISSUE LICENSES UNLAWFULLY.**

No Board of any License District, nor any member of such Board, nor any Inspector, either directly or indirectly shall receive, take or have any money whatsoever for any certificate, license, report, matter or thing connected with or relating to any grant of any license other than the sum to be paid therefor as the fee under the provisions of this Act; or receive, take or have any note security or promise for the payment of any such money, or any part thereof from any person whatsoever; and any person or persons guilty of, or concerned in, or party to any act, matter or thing, contrary to the provisions of this section, or of sub-sections 1 and 3 of section 13, and section 26, shall forfeit and pay a penalty of not less than \$50 nor more than \$100 besides costs for every such offence. (Sec. 61.)

And if any commissioner, inspector, officer, or other person knowingly issues, or procures to be issued contrary to the provisions of this Act, a tavern or shop license or a certificate therefor he will incur a penalty of \$40 to \$100 or 3 months for each offence. (Sec. 62.)

**82. COMMITMENTS.**

Where a pecuniary penalty is imposed the Magistrate may in his discretion order that in default of payment thereof distress shall issue for its recovery, or he may order that in default of immediate payment the offender shall be committed to gaol for such period as may be allowed by law. (Sec. 93.)

Commitments on several convictions where imprisonment is imposed are to be consecutive and not concurrent. (Secs. 72 and 87.)

The costs and charges of the commitment and conveyance of the defendant to prison can be enforced in and by, but must as far as practicable be ascertained and stated in the warrant of the commitment. (Sec. 80.)

**82. COMMITMENTS.**

*R. v. Degan*, 17 O. L. R. 366; *Re Alfred LeBlanc*, 7 E. L. R. 74; *R. v. Nelson*, 15 Can. Cr. Cas. 10; *R. v. Fraser*, 20 Can. Cr. Cas. 167.

**83. COMPROMISING OR COMPOUNDING OFFENCES.**

Any person who, having contravened any of the provisions of this Act, compromises, compounds or settles, or offers, or attempts to compromise, compound or settle the offence with any person or persons, with the view of preventing any complaint being made in respect thereof; or if a complaint has been made with the view of getting rid of such complaint, or of stopping or having the same dismissed for want of prosecution or otherwise, and every person concerned in or is a party to such compromise, composition or settlement is guilty of an offence under this Act. (Sec. 77.)

*Penalty.*—Three months in gaol [no fine]. (Sec. 77.)

**84. "COUNTY."**

"County," includes a union of counties and a provisional judicial district. (Sec. 2b.)

**85. CONSTABLES' AND OFFICERS' DUTY TO PROSECUTE.**

Every Inspector, Policeman, constable or officer in each municipality must see that the several provisions of this Act are duly observed, and proceed by information and otherwise prosecute offenders; he must make diligent enquiry into the truth of any information given to him that there is cause to suspect any person of contravening any of such provisions and enter complaint before the proper Court without communicating the name of the person giving such information. And in case of wilful neglect or default in so doing in any case, he shall incur a penalty of \$10 besides costs, for every such neglect or default. Any policeman so convicted may be summarily dismissed. (Secs. 129 and 136.)

**86. CONTRACTS RESTRICTING PURCHASE OF LIQUOR.**

Every holder of a tavern or shop license, and every brewer, distiller, manufacturer, or wholesale merchant, who, either by himself or by any person acting on his behalf hereafter gives or enters into or demands or requires any other person to give or enter into any covenant,

**83. COMPROMISING OR COMPOUNDING OFFENCES.**

*In re Fraser & Escott*, 1 L. J. N. S. 324; *R. v. Mabee*, 37 Q. B. 248; *R. v. Boardmen*, 30 U. C. R. 553.

contract, agreement, undertaking, stipulation or bargain, which has the effect of imposing, or is intended or purports to impose on any license holder any restriction whatsoever as to the person from whom or the locality in which liquor shall be purchased or supplied for sale in any tavern or shop, shall be guilty of an offence against this Act and incur a penalty of \$500 besides costs. (Sec. 20.)

### 87. CONVICTIONS, INFORMALITIES IN, ETC.

(1) No conviction or warrant enforcing the same or other process of proceeding under this Act shall be held insufficient or invalid by reason of any variance between the information or conviction, or by reason of any other defect in form or substance, provided it can be understood from such conviction, warrant, process or proceeding that the same was made for an offence against some provision of this Act, within the jurisdiction of the Justice or Justices who made or signed the same, and provided there is evidence to prove such offence.

(2) Upon any application to quash such conviction, or warrant enforcing the same or other process or proceeding, whether in appeal or upon *habeas corpus*, or by

### 87. CONVICTIONS, INFORMALITIES IN, ETC.

*R. v. Hartley*, 20 O. R. 481; *R. v. Hazen*, 20 A. R. 633; *R. v. Clarke*, 20 O. R. 642; *R. v. Wallace*, 4 O. R. 127; *R. v. Brady*, 12 O. R. 358; *R. v. Menary*, 19 O. R. 691; *R. v. Cantillon*, 19 O. R. 197; *R. v. Luke*, 7 P. R. 215; *R. v. Frawley*, 45 U. C. R. 227; *R. v. McKenzie*, 6 O. R. 165; *In re Ryer & Plows*, 46 U. C. R. 206; *R. v. Bennett*, 3 O. R. 45; *R. v. Edgar*, 17 O. R. 188; *R. v. Young*, 7 O. R. 88; *R. v. Kennedy*, 17 O. R. 159; *R. v. Saunderson*, 12 O. R. 178; *Reed v. McWhinnie*, 27 U. C. R. 289; *R. v. Cavanagh*, 27 C. P. 537; *R. v. Smith*, 46 U. C. R. 442; *R. v. Richardson*, 20 O. R. 514; *R. v. Hodgins*, 12 O. R. 367; *Reg. v. Sutton*, 42 Q. B. R. 220; *Reg. v. King*, 20 C. P. R. 246; *R. v. Flynn*, 20 O. R. 638; *R. v. McCarthy*, 11 O. R. 657; *R. v. McQuarrie*, 16 Can. Cr. Cas. 66; *R. v. Davidson*, 21 C. L. T. 98; *R. v. Power*, 14 Can. Cr. Cas. 264; *R. v. St. Clair*, 27 A. R. 308; *R. v. Greaves*, 21 O. L. R. 329; *R. v. Wariow*, 12 O. W. R. 1026; *R. v. Dogenais*, 19 O. W. R. 252; *R. v. Bolton*, 1 Q. B. 66; *Re Bailey*, 3 El. & Bl. 607; *R. v. Gillyard*, 12 Q. B. 527; *Colonial Bank of Australasia v. Willan*, 30 L. T. 237; *Ex parte Bradlaugh*, 70 L. T. 379; *Ex parte Kenyon*, 45 J. P. 303; *Ex parte Austin*, 45 J. P. 302; *R. v. Kay*, 38 N. B. R. 332; *R. v. McDonald*, 26 N. S. R. 94; *R. v. Blank*, 38 N. S. R. 337; *R. v. Burke*, 36 N. S. R. 695; *R. v. Swan*, 24 C. L. T. 239; *R. v. Marsh*, 36 N. B. R. 186; *R. v. McGillivray*, 7 E. L. R. 240; *R. v. Leonard*, 1 O. W. R. 415; *R. v. Leach*, 12 O. W. R. 1016; *R. v. Lawless*, 3 O. W. N. 669; *R. v. Koope*, 19 W. L. R. 246; *R. v. McElroy*, 50 W. N. 284; *R. v. Gilmour*, 50 W. N. 14; *R. v. McLean*, 50 W. N. 53.

way of *certiorari* or otherwise, the Court or Judge to which such appeal is made or to which such application has been made upon *habeas corpus* or by way of *certiorari* or otherwise, shall dispose of such appeal or application upon the merits, notwithstanding any such variance or defect as aforesaid, and in all cases where it appears that the merits have been tried, and that the conviction, warrant, process or proceeding is sufficient and valid under this section or otherwise, such conviction, warrant, process or proceeding shall be affirmed, or shall not be quashed (as the case may be), and such Court or Judge may, in any case, amend the same if necessary, and any conviction, warrant, process or proceeding so affirmed or affirmed and amended, shall be enforced in the same manner as convictions affirmed on appeal, and the costs thereof shall be recoverable as if originally awarded.

(3) If it appears to the Court or Judge that the Justice before whom any complaint or other proceeding under this Act was heard or taken, refused to receive evidence which might have been material, the Court or Judge, instead of quashing the conviction or other proceeding, may remit the same to the Justice with direction to re-hear the case and with such other directions as the Court or Judge may think proper, and the Justice shall re-hear the complaint accordingly. (Sec. 94.)

No notice to quash a conviction or order made under this Act shall be heard by the Court or Judge to which such application is made unless notice of such motion has been served within 20 days from the date of the conviction or order. (Sec. 95.)

#### 88. Costs.

[R. S. O. 1914, ch. 90, sec. 7: In all cases of summary conviction, or of orders made by a Justice of the Peace, or Police Magistrate under this Act, the Justice, or Police Magistrate may, in his discretion award and order, in and by the conviction or order, that the defendant shall pay to the prosecutor or complainant, such costs as to the Justice, Police Magistrate or Stipendiary Magistrate seem reasonable in that behalf, the same not being incon-

#### 89. Costs.

*R. v. Wright*, 14 O. R. 668; *R. v. Rowlin*, 19 O. R. 199; *R. v. Elliott* 12 O. R. 524.

sistent with the fees established by law to be taken on proceedings had by and before Justices of the Peace.

(2) In cases where the Justice or Police Magistrate dismisses the information or complaint, he may by the order of dismissal, award and order that the prosecutor or complainant shall pay to the defendant such costs as to the Justice or Police Magistrate seem reasonable and are consistent with the fees established as aforesaid.

(3) The sums allowed for costs shall be stated in the conviction or order and shall be recoverable in the same manner and under the same warrants as a penalty adjudged to be paid by the conviction or order is to be recovered, and such costs shall extend to and include costs and charges of the distress, of the commitment, and conveying the defendant or the prosecutor, or the complainant, as the case may be, to prison, the amount thereof being ascertained and stated on such commitment.

(4) Where there is no penalty to be recovered or where the information or complaint is dismissed the costs shall be recoverable only by distress and sale of the goods and chattels of the party.

*Inspector's Costs.*—An inspector will be allowed his costs, if he travels more than three miles to attend Court, as follows:

(a) The railway, or stage fare actually required to be paid, or

(b) The sum actually required to pay for hire of vehicle, or

(c) Ten cents per mile one way if his own vehicle is used, and to cover all other expenses, \$1.00 per day. (Sec. 109.)

Where the inspector has prosecuted, and obtained a conviction and has been unable to recover the amount of costs the same shall be made good out of the license fund, and if he failed to obtain a conviction he shall be indemnified against all costs out of the license fund, should the Magistrate certify that such officer had reasonable and probable cause for preferring a complaint. (Sec. 125.)

## 89. DRUGGIST.

Druggist means a duly qualified and registered pharmaceutical chemist. (Sec. 2c.)



**90. EVIDENCE.**

	No.
Analysis of liquor, proof of .....	35
Clubs, conclusive evidence of sales in .....	20
Conviction, proving prior .....	112
Light in bar, presumptive evidence of sale.....	75
Licenses, proof of .....	42
Licensed, proof of being .....	14
Occupant's liability, conclusive evidence of....	9
Unlawful consumption, evidence of .....	2
Unlawful keeping, presumptive evidence of..	6
Unlawful keeping, conclusive evidence of .....	5
Unlawful sales, presumptive evidence of.....	2

**91. FORFEITURE OF LICENSE, WHEN.**

A license becomes forfeited *ipso facto*, and will be absolutely null and void if before the expiration of his license the licensee dies, or sells, or by operation of law or otherwise assigns his business, or removes from the house or place in respect of which the said license applies, unless within one month the license becomes revived by the written consent of the License Commissioners pursuant to section 21.

**92. FORMS.**

The forms appended to this Act, or any forms to the like effect, shall be sufficient in the cases thereby respectively provided for, and where no forms are prescribed new ones may be framed to meet the circumstances of the case conformably as nearly as may be to those employed in proceedings under The Summary Convictions Act. (Sec. 91.)

**93. HABITUAL DRUNKARDS, RESTRICTIONS AGAINST.**

If it appears in open Court that any person residing in the county where the Court sits, and summoned before such Court, by excessive drinking of liquor misspends, wastes or lessens his estate, or greatly injures his health,

**93. HABITUAL DRUNKARDS, ETC.**

*Austin v. Davis*, 7 App. R. 478; *Northcote v. Brunker*, 14 App. R. 364; *Derbyshire v. Downes*, K. B. D. April 10th, 1905 (*Paterson*, 331); *R. v. Harris*, 5 W. L. R. 4; *R. v. Mount*, 30 O. R. 303.

or endangers or interrupts the peace and happiness of his family, the Police Magistrate or two Justices holding such Court shall by writing forbid any licensed person in that or any other locality to sell to him any liquor for the space of one year. (Sec. 118.)

If any person licensed to sell, or who sells or is reputed to sell intoxicating liquor of any kind, personally or by his clerk, servant or agent (otherwise than in terms of a special requisition for medicinal purposes, signed by a licensed medical practitioner) delivers, or in or from any building, booth or place occupied by him and wherein or wherefrom any such liquor is sold, suffers to be delivered any such liquor to any person who has the habit of drinking liquor to excess at any time within twelve months after having been notified to writing not to do so by such person's husband, wife, parent, child of twenty-one years or upwards, brother, sister, master, guardian or employer, or by the parent, brother or sister of the husband or wife of such person, or by the guardian of any child of such person, or by the inspector if required by any one of said persons, such person so violating this section will incur a penalty upon conviction not exceeding \$50, or 1 month. (Secs. 119 and 120.)

After service of the said notice, or prohibition (under sec. 118), if any other person with a knowledge thereof gives, sells, or purchases for or on behalf of the person with regard to whom the said notice or prohibition has been served, or for his or her use, any liquor, such other person shall upon conviction incur for every such offence a penalty of not less than \$25 and not exceeding \$50, or one month. (Sec. 120 sub-sec. (e) and (f).)

And any keeper of a licensed tavern, who, after being notified as aforesaid, suffers or permits such person to loiter or linger in or about the bar room or other place in which liquor is dispensed upon his licensed premises shall incur a penalty of not less than \$10 nor more than \$20 or one month. (Sec. 120 (c).)

And should such person within 12 months after being notified as aforesaid purchase or procure, or attempt to purchase or procure liquor, or be found with liquor in his possession, or under the influence of liquor, or lingering or loitering in any place where liquor is sold or dispensed he will incur a penalty of not less than \$10 nor more than \$20 and costs, and shall, upon conviction, be liable to imprisonment for a period not exceeding one month. (Sec. 120 (d).)

In addition to the penalty which may be imposed under the preceding clause the convicting magistrate may by his order prohibit the person so convicted from purchasing or otherwise obtaining any liquor, except upon the prescription of a duly qualified medical practitioner within twelve months from the date of such prohibitive order, and may also prohibit all licensed persons within the jurisdiction of such magistrate from selling or supplying any liquor to such prohibited person as aforesaid during the time such order of prohibition is in force. A copy of such prohibitory order shall be served upon all the persons to be affected thereby and may be so served in the manner provided for the services of notices under the next preceding section. A person served with any such prohibitory order who violates the same shall be guilty of an offence against this Act. (4 Geo. V., 1914.)

The notices required to be given are to be deemed *prima facie* evidence of the allegations therein set forth. (Sec. 119 (4).)

[See sec. 119 for forms of notices.]

Every person with respect to whom an order has been made by a Police Magistrate or Justice under sub-section 1 of section 118, or who has been served with a notice under sub-section 3 of section 119 may, upon any prosecution under this Act be compelled to divulge upon oath the name of any person from whom he has obtained liquor during the period for which such order or notice was in force, and the place where, and the date when the liquor was supplied to him, and if such information is within his knowledge, and he wilfully refuses to disclose, or in the opinion of the Magistrate is withholding the same, he shall be guilty of an offence, and may on the order of the Magistrate be forthwith imprisoned for any period not exceeding 3 months, unless he sooner discloses such information and pays the costs of his committal. And for the purpose of making such disclosure, such person may at any time be brought before the same or any other Magistrate, or may disclose the said information by affidavit. (Sec. 121.)

#### 94. INFORMATIONS.

All informations or complaints for the prosecution of any offence against any of the provisions of this Act

shall be laid or made in writing before any Justice of the Peace for the county or district in which the offence is alleged to have been committed, and may be made without any oath or affirmation to the truth thereof and the same may be according to form 5, or to the like effect. (Sec. 84.)

#### 95. INFORMATION, DESCRIPTIONS IN AND AMENDMENTS TO.

In describing offences respecting the sale or other disposal of liquor, or the keeping, or the consumption of liquor in any information, summons, conviction, warrant, or proceeding under this Act, it shall be sufficient to state the sale, disposal, keeping, or consumption of liquor simply, without stating the name or kind of such liquor, or the price thereof, or any person to whom it was sold or disposed of, or by whom it was consumed; and it shall not be necessary to state the quantity of liquor so sold, disposed of, kept, or consumed, except in the case of offences where the quantity is essential, and then it shall be sufficient to allege the sale or disposal of more or less than such quantity. (Sec. 90.)

At any time before judgment any information may be altered or amended and any other offence against the provisions of this Act substituted, but if it appears that the defendant has been prejudiced by such amendment, the hearing of the case shall be adjourned to some future day. (Sec. 92.)

#### 96. INFORMATION, SUMMONSES AND PROCEDURE BEFORE MAGISTRATES.

[NOTE.—The powers and duties of magistrates and justices in matters of procedure under this Act are gov-

#### 95. INFORMATION, DESCRIPTIONS IN AND AMENDMENTS TO.

*Reed v. McWhinnie*, 27 U. C. R. 289; *R. v. Alford*, 25 O. R. 519; *R. v. Clarke*, 20 O. R. 642; *R. v. Roe*, 16 O. R. 1; *Crawford v. Beattie*, 39 U. C. R. 29; *R. v. Cavanagh*, 27 C. P. 540; *Stoness v. Lake*, 40 U. C. R. 327; *R. v. Guertin*, 11 W. L. R. 98; *R. v. Apr*, 14 Can. Cr. Cas. 210; *R. v. Harrington*, 16 O. W. R. 169; *R. v. O'Connor*, 3 O. W. R. 840.

#### 96. INFORMATION, SUMMONSES AND PROCEDURE.

*R. v. Ferguson*, 3 O. S. 220; *R. v. Green*, 12 P. R. 373; *R. v. Bennett*, 3 O. R. 45; *R. v. EH*, 10 O. R. 727; *R. v. Ryan*, 10 O. R. 254; *R. v. Klomp*, 10 O. R. 143; *R. v. Ramsay*, 11 O. R. 210; *R. v. Sproule*, 14

erned by *The Ontario Summary Convictions Act*, R. S. O. 1914, ch. 90, which enacts that said chapter 90 shall apply to

(a) Every case in which any person commits, or is suspected of having committed any offence or act over which this Legislature has legislative authority, and for which such person is liable on summary conviction to imprisonment, fine, penalty or other punishment.

(b) Every case in which a complaint is made to a justice in relation to any matter over which this Legislature has legislative authority, and with respect to which such justice has authority by law to make an order for the payment of money or otherwise. (Sec. 3.)

And that except where otherwise provided, Part XV. of *The Criminal Code* (relating to Summary Convictions), and the sections of the Code numbered 1121, 1124, and 1125 (relating to appeals) shall apply *mutatis mutandis* to every such case as if the provisions thereof were enacted in and formed part of said chapter 90. (Sec. 4.)

Said chapter 90 also enacts that: "Any exception, exemption, proviso, excuse or qualification, whether it does or does not accompany in the same section the description of the offence in the Act, order, by-law, regulation, or other document creating the offence, may be proved by the defendant; but need not be specified or negatived in the information or complaint, and if so specified or negatived no proof in relation to the matter so specified or negatived shall be required on the part of the informant or complainant. (Sec. 5.)

O. R. 375; *R. v. Durnton*, 14 O. R. 672; *R. v. Gonsals*, 14 O. R. 613; *R. v. Mabce*, 17 O. R. 194; *R. v. Kennedy*, 17 O. R. 159; *R. v. Edgar*, 17 O. R. 188; *R. v. Clarke*, 19 O. R. 601; *R. v. Menary*, 19 O. R. 691; *R. v. Gordon*, 16 O. R. 64; *Crume v. Hunt & Waper*, 26 O. R. 641; *R. v. Grant*, 34 C. L. J. 171; *R. v. Alexander*, 17 O. R. 458; *R. v. Lapointe*, 22 O. W. R. 601; *R. v. Ackers*, 21 O. L. R. 187; *R. v. Dunkley*, 16 O. W. R. 263; *Plant v. Clude*, 38 Que. S. C. 535; *R. v. Whitney*, 19 O. W. R. 888; *Re Cairns & Choque*, 3 Que. P. R. 25; 38 N. B. R. 362; *R. v. Johnson*, 9 E. L. R. 37; *R. v. Francy*, *Ex parte Tompkins*, 37 N. B. R. 534; *R. v. Craig*, 38 N. S. R. 345; *R. v. Pfister*, 3 O. W. N. 440; *R. v. Peck*, 40 N. B. R. 339; *R. v. Murray*, 9 E. L. L. 519.

## 97. INTERPRETATION CLAUSES.

	No.
" Board " .....	79
" Beer and Wine Licenses " .....	31
" County " .....	84
" Druggist " .....	Part V.
" Judge " .....	98
" Keeper " .....	38-74
" Licensed Premises " .....	41
" Liquor " .....	101
" Magistrate " .....	102
" Shop License " .....	56
" Tavern " .....	63
" Tavern License " .....	62
" Warehouse License " .....	69
" Wholesale License " .....	65

98. " JUDGE " means and includes the Judge or Junior or Deputy Judge of the County or District Court of a County or District. (Sec. 2e.)

## 99. JURISDICTION OF JUSTICES.

Except as otherwise expressly provided, all prosecutions for the punishment of any offence against this Act alleged to have been committed by a licensee or on or with respect to premises for which a license has been issued and is in force may take place before a Justice of the Peace in and for the county in which the offence was committed. All other prosecutions under this Act whether for the recovery of a penalty or otherwise shall take place before two or more justices of the peace or a police magistrate having jurisdiction. (Sec. 86.)

## 100. LIMITATION OF PROSECUTIONS.

All informations or complaints must be laid or made in writing within 30 days after the commission of the offence. (Sec. 84.)

## 99. JURISDICTION OF JUSTICES.

*R. v. Gully*, 21 O. R. 219; *R. v. McGowan*, 22 O. R. 497; *R. v. Gordon*, 16 O. R. 64.

## 100. LIMITATION OF PROSECUTIONS.

*R. v. Lennor*, 34 Q. B. 28; *Williams v. Burgess*, 12 A. & E. 635.

**101. "LIQUOR," INTERPRETATION OF.**

"Liquor" includes all spirituous and malt liquors and all combinations of liquors and drinks and drinkable liquids which are intoxicating. (Sec. 2i.)

Any liquor which contains more than two and one-half per cent. of proof spirits shall be conclusively deemed to be intoxicating. (Sec. 2i.)

**102. MAGISTRATE.**

Magistrate includes a Justice of the Peace, two or more Justices of the Peace sitting and acting together, and a Police Magistrate. (Sec. 2k.)

**103. MEMBERS OF MUNICIPAL CORPORATIONS VIOLATING ACT.**

If a member of any Municipal Council is convicted of having knowingly committed any offence under this Act, he is liable, in addition to any other penalty prescribed by this Act, to forfeit and vacate his seat, and be ineligible to be elected to or to sit or vote in any Municipal Council for two years thereafter, and if any such member after the forfeiture aforesaid sits or votes in any Municipal Council he will incur a penalty of \$40 for every day he so sits or votes. (Sec. 64.)

**104. MUNICIPAL OFFICERS VIOLATING ACT.**

If any officer of any municipal corporation is convicted of having knowingly committed any offence under this Act, he shall, in addition to any other penalty prescribed by the Act, forfeit and vacate his office and be disqualified from holding any office in any Municipality in Ontario for two years thereafter. (Sec. 63.)

**105. PENALTIES UNDER SECS. 65, 66 AND 79.**

65. Any person who keeps for sale, or sells or bar-  
ters liquor without the license therefor by law required,

**101. LIQUOR, INTERPRETATION OF.**

*Res v. Bigelow*, 41 N. S. R. 199; *Res v. Ryan*, 7 E. L. R. 395; *Res v. Marsh*, 6 E. L. R. 259; *Res v. Kay*, 5 E. L. R. 153.

**105. PENALTIES UNDER SECS. 65, 66 AND 79.**

*R. v. Hasen*, 20 App. R. 633; *R. v. Hartley*, 20 O. R. 481; *R. v. Southwick*, 21 O. R. 670; *R. v. Lynch*, 12 O. R. 372; *R. v. Menary*, 19 O. R. 691; *R. v. Sparham*, 8 O. R. 570; *R. v. McIntyre*, 14 Can. Cr. Cas. 43; *R. v. Hostyn*, 1 W. L. R. 114.

shall for the first offence on conviction thereof incur a penalty of not less than \$100 besides costs, and not more than \$500 besides costs, and in default of payment thereof shall be imprisoned in the county gaol of the county in which the offence was committed, for a period of not less than 3 months, and to be kept at hard labor in the discretion of the convicting Magistrate; and for any second or subsequent offence such person shall, upon conviction be imprisoned for a period of 4 months.

66. Offences against section 50 of this Act shall be punishable as follows:

(a) For the first offence by a fine of not less than \$50 and not more than \$100, or imprisonment for one month.

(b) For the second offence by a fine of not less than \$100 and not more than \$200, or imprisonment for 3 months.

(c) For the third offence by a fine of not less than \$200 and not more than \$400, or imprisonment for 5 months.

Offences against section 51 of this Act shall be punishable as follows:

(a) For the first offence by a fine of not less than \$40, nor more than \$60, or imprisonment for 20 days.

(b) For the second offence by a fine of not less than \$60, nor more than \$100, or imprisonment for 40 days.

(c) For the third offence by a fine of not less than \$100 nor more than \$200, or imprisonment for 3 months.

79. Any person who contravenes any other provisions of this Act, in respect of which contravention no other punishment is prescribed, shall for the first offence, incur a penalty of not less than \$20 besides costs, and not more than \$50 besides costs, and in default of payment thereof he shall be imprisoned in the county gaol in the county in which the offence was committed for a period not exceeding one month, and be kept at hard labor in the discretion of the convicting Magistrate; and for the second offence, on conviction thereof, such person shall incur a penalty of not less than \$40 besides costs, and not more than \$60 besides costs, and in default of payment thereof, he shall be imprisoned in the county gaol of the county in which the offence was committed



for a period not exceeding two months, and be kept at hard labor in the discretion of the convicting Magistrate; and for the third or any subsequent offence, on conviction thereof, such person shall be imprisoned in such gaol for the period of three months, and be kept at hard labor in the discretion of the convicting Magistrate. (Sec. 79.)  
[See under Commitments, No. 82.]

**106. PENALTIES NOT TO BE REMITTED, AND APPLICATION OF.**

Penalties and punishments under this Act must not be remitted, suspended or compromised. (Sec. 124.)

If the inspector or any officer appointed by the Lieutenant-Governor or by the License Commissioners is the prosecutor or complainant the penalties in money shall be paid over by the Magistrate to him, but in case any other person or officer appointed under Sec. 127 is the prosecutor or complainant then the same shall be paid to the Treasurer of the Municipality wherein the offence was committed. (Sec. 125 (1 and 5).)

**107. PROSECUTOR, WHO MAY BE.**

Any person may be prosecutor or complainant in prosecutions under this Act. (Sec. 83.)

**108. PROSECUTIONS AND PROCEDURE.** (See Nos. 94, 95 and 96.)

**109. RESOLUTIONS OF LICENSE COMMISSIONERS.**

The Board of License Commissioners may at any time before the first day of May in each year, pass resolutions for regulating the taverns and shops to be licensed; and such regulations shall remain in force until amended or repealed by the same or any subsequent Board of Commissioners; and in and by any such

**106. PENALTIES NOT TO BE REMITTED, ETC.**

*Lambe v. Lafontaine*, 6 Que. P. R. 422.

**109. RESOLUTIONS OF LICENSE COMMISSIONERS.**

*R. v. Martin*, 21 App. R. 145; *Hodge v. The Queen*, 9 App. Cas. 117; *R. v. Farrell*, 23 O. R. 422; *Magill v. License Com's of Brantford*, 21 O. R. 665; *In re Livingstone*, 6 P. R. 17; *R. v. Osler*, 32 U. C. R. 324; *R. v. Belmont*, 35 U. C. R. 298; *Roberts v. Chmiec*, 46 Q. B. 264, *R. v. Laird*, 6 O. L. R. 180.

resolution penalties may be imposed for the infraction thereof, limited to \$50, or imprisonment for 21 days. (Sec. 6.)

The penalties imposed under Resolutions of the License Commissioners may be recovered and enforced by summary proceedings before a justice having jurisdiction in the same manner as penalties imposed for the contravention of municipal by-laws. (Sec. 6 (4).)

#### 110. RESOLUTIONS, HOW PROVED.

By the production of a copy certified to be a true copy by a member of the Board shewing that the original was signed by the Chairman of the Board passing same. (Sec. 97.)

#### 111. SECOND AND SUBSEQUENT OFFENCES.

A conviction for a second offence and for a third offence within the meaning of section 65 or section 79, is where a first conviction is for a contravention of any provision of sections 48, 49 or 175, or any section for the contravention of which a penalty or punishment is prescribed by section 65\* or section 79\* followed by a second or third conviction for an offence against any provision of any of the said sections, although the second or third convictions may have been under different sections. (Sec. 88 (5).)

#### 111. SECOND AND SUBSEQUENT OFFENCES.

*R. v. Vansyl*, 13 O. W. R. 485; *R. v. Simmons*, 17 O. L. R. 239; *R. v. McGarry*, 31 O. R. 486; *R. v. Frawley*, 45 Q. B. 227; *R. v. Black*, 43 U. C. R. 180; *R. v. French*, 34 U. C. R. 403; *R. v. Grant*, 34 C. L. J. 171; *R. v. Byron*, 37 N. B. R. 383; *R. v. Woodcock*, 1 E. L. R. 160; *R. v. Clarke*, 2 E. L. R. 127; *R. v. O'Tystead*, 11 W. L. R. 561; *R. v. Walker*, 7 E. L. R. 295; *R. v. Bigelow*, 24 C. L. T. 141; *R. v. Matheson*, 20 Can. Cr. Cas. 496.

(See also cases cited under No. 112.)

\*As follows:—

Secs.	Nos.	Secs.	Nos.	Secs.	Nos.
2n.....	56	52.....	74	138.....	21
32 (2).....	30	54.....	22	152c.....	65
36.....	31	56.....	8	153.....	66
43.....	58	58.....	57	155.....	66
44.....	17	59.....	64	171.....	67
45.....	18	75.....	33	173.....	53
45 (s. 2).....	19	130.....	11		

**112. SECOND AND PRIOR OFFENCES, PROCEDURE IN RESPECT OF.**

The subsequent offence must first be enquired into, and if the accused be found guilty, he shall then if present be asked whether he was so previously convicted as alleged in the information. If he denies the prior conviction or stands mute of malice, or does not answer directly to such question o., if he is not present the previous conviction shall then be enquired into.

Previous convictions shall be proved by the production of a certificate under the hand of the convicting Magistrate, or of the Clerk of the Peace, without proof of his signature or official character, or by other satisfactory evidence. (Sec. 88.)

Whenever a prosecution is brought against any person under this Act for an offence of which he has been previously convicted and for which a different or greater penalty is imposed in the case of a second or any subsequent offence, it shall be the duty of the inspector to prosecute as for a second or subsequent offence according to the fact. And if he knowingly or willingly contravenes the provisions of this section he will incur a penalty of not less than \$20, nor more than \$50. (Sec. 89.)

Convictions for several offences committed on the same day may be made, but to recover the increased penalties the offences must be committed on different days and after conviction for a first offence. (Sec. 98 (3).)

In the event of a conviction for any second or subsequent offence becoming void or defective, after the making thereof, by reason of any previous conviction being set aside, quashed, or otherwise rendered void, the Magistrate by whom such second or subsequent conviction was made, may by warrant under his hand summon the person convicted to appear at a time and place to be named in such warrant, and may thereupon, upon proof of the due service of such warrant, if such person fails to appear, or

**112. PRIOR CONVICTIONS AND PROCEDURE IN RESPECT OF.**

*R. v. Wallace*, 4 O. R. 127; *R. v. Edgar*, 15 O. R. 142; *R. v. Rodwell*, 5 O. R. 186; *R. v. French*, 34 U. C. R. 403; *R. v. Black*, 43 Q. B. 180; *R. v. Kennedy*, 17 O. R. 159; *R. v. Jordon*, 7 E. L. R. 53; *R. v. Wellman*, 14 Can. Cr. Cas. 335; *R. v. Reid*, 14 Can. Cr. Cas. 329; *R. v. Teasdale*, 20 O. L. R. 382; *R. v. Choate*, 16 O. W. R. 903; *R. v. McNutt*, 20 Can. Cr. Cas. 171; *R. v. McGarry*, 31 O. R. 486.

on his appearance, amend such second or subsequent conviction, and adjudge such penalty or punishment as might have been adjudged had such previous conviction never existed, and such amended conviction shall thereupon be held valid to all intents and purposes, as if it had been made in the first instance. (Sec. 98 (4).)

### 113. WITNESSES, DEPOSITIONS OF.

The depositions of the witnesses examined before a magistrate must be written in a legible hand and on one side only of the sheet of paper on which they are written, and shall be read over to the witness, who must sign the same. But the Magistrate may instead employ a stenographer to take down the evidence or any part thereof in shorthand, he being first sworn to truly and faithfully report the evidence. Depositions thus taken need not be read over to or signed by the witness, but the transcript should be signed by the Magistrate and be accompanied by an affidavit of the stenographer that it is a true report of the evidence. (Sec. 87.)

### 114. WITNESS, PROTECTION OF.

If upon any prosecution under this Act or any regulation or by-law passed thereunder it appears from the evidence of any witness that he was unlawfully present at the time or place at which the offence was committed, or did then or there unlawfully procure or attempt to procure liquor, the Magistrate before whom the prosecution is brought may, having regard to the demeanour of the witness, and his mode of giving evidence by certificate in that behalf, exempt such witness from prosecution for such unlawful act; provided he is not charged with the unlawful keeping for sale or other disposal of liquor, and is not the keeper or occupant of the premises where it is alleged the offence was committed. (Sec. 57 (2).)

### 113. WITNESSES, DEPOSITIONS OF.

*R. v. Excell*, 20 O. R. 633; *R. v. Scott*, 20 O. R. 646; *R. v. Warilow*, 17 O. L. R. 284; *R. v. Degan*, 14 Can. Cr. Cas. 148; *R. v. Kay*, 38 N. B. R. 498; *Rex v. Irwin*, 16 O. L. R. 454.

**115. WITNESSES, REFUSING TO ATTEND, ANSWER OR PRODUCE.**

Any person represented as being a material witness can be summoned, and he must also produce, if the summons so requires, all books and papers, accounts, deeds and other documents, in his possession, custody, or control relating to any matters connected with any proceeding under this Act (saving all just exceptions to such production), and if he refuses or neglects to attend, a warrant for his arrest may be issued, and if he refuses to be sworn or to affirm, or to answer any question touching the case, or refuses or neglects to produce the documents, etc., aforesaid, he may be committed to the common gaol, there to remain until he consents to be sworn, or to affirm, and to answer, or to produce such documents, etc. (Secs. 107 and 108.)

**116. WITNESS, TAMPERING WITH.**

Any person, who in any prosecution under this Act, tampers with a witness, either before or after he is summoned or appears as such witness on any trial or proceeding under this Act, or by the offer of money, or by threats, or in any other way, either directly or indirectly induces or attempts to induce any such person to absent himself, or to swear falsely shall be liable to a penalty of \$50 for each offence. (Sec. 78.)

**115. WITNESSES REFUSING TO ATTEND, ANSWER, ETC.**

*R. v. Fearmon*, 22 O. R. 456; *R. v. Fee*, 13 O. R. 590; *R. v. Roddy*, 41 Q. B. 291; *R. v. Strachan* 20 C. P. 182.

## PART V.

## SALE OF LIQUOR BY DRUGGISTS, AND SALE OF PATENT AND OTHER MEDICINES, AND OF ALCOHOL FOR THE PURPOSES OF THE ARTS AND MANUFACTURES.

Interpreta-  
tion.

"Alcohol."

"Manufac-  
turer.""Original  
and unbroken  
package.""Wholesale  
druggist."

174. In this Part,

(a) "Alcohol" shall mean "ethylic" or absolute alcohol (1 Geo. V. ch. 65, sec. 1);

(b) "Manufacturer" shall mean a manufacturer for sale by wholesale (61 V. ch. 30, sec. 1, *part*);(c) "Original and Unbroken Package" shall mean the package in which the patent or proprietary medicine is put up by the manufacturer (61 V. ch. 30, sec. 1, *part*); and(d) "Wholesale Druggist" shall mean a person, firm or company engaged in supplying druggists with drugs, patent or proprietary medicines, compounds, preparations or other articles and commodities usually kept and dealt in by druggists (1 Geo. V. ch. 65, sec. 1, *part*).Sale of  
liquor by  
druggists.  
Rev Stat.  
c. 164.

175.—(1) Nothing in Part I. shall prevent a druggist from keeping liquor for sale for strictly medicinal purposes, or from selling liquor for strictly medicinal purposes in packages of not more than six ounces at any one time, or from selling for strictly medicinal purposes any mixture containing liquors mixed with any other drug or medicine in packages of not more than one pint at any one time, but, in either case, only under a *bona fide* prescription of such liquor or mixture duly signed by a legally qualified medical practitioner. R. S. O. 1897, ch. 245, sec. 52 (1).

Record of  
sales.

(2) Every druggist shall record in a book to be kept for the purpose every sale or other disposal by him of liquor used under and forming an ingredient in such prescription; and such record shall show as to every such sale or disposal, the time when, and the person to whom the same was made, the quantity sold and the prescription, when one is required, of such medical practitioner; and, in default of such sale or disposal being so placed on record, every such sale shall be held to be in contra-

vention of the provisions of sections 48 and 49. R. S. O. 1897, ch. 245, sec. 52 (2); 61 V. ch. 30, sec. 6.

(3) Such book shall be kept open to the inspection of the License Commissioners, Inspector, Provincial Inspector, or any other person appointed by the Minister, and producing his written authority in that behalf, and may be in the following form:—

Book open to inspection by Commission-ers, Inspectors and other officials.

Date	Name	Residence	Kind and quantity	Purpose of use	Price	Name of medical practitioner.

(4) In a township, a druggist who is also a legally qualified medical practitioner may himself give the certificate provided for this section, and may also give such certificate in any village or police village where there is no other legally qualified medical practitioner resident and practising therein, but not otherwise. R. S. O. 1897, ch. 245, sec. 52 (3), (5).

When druggist may himself give medical certificate.

(5) Any druggist who sells or otherwise disposes of any liquor to be consumed within his shop, or within the building, of which such shop forms part, or which communicates by any entrance therewith, either by the purchaser or by any other person not usually resident therein, as a beverage, or with soda water, seltzer, apolinaris, ginger ale, ginger beer, sarsaparilla, or any aerated, mineral or effervescent drink, shall incur the penalties imposed by sec. 65. R. S. O. 1897, ch. 245, sec. 52 (7), and sec. 62, *part*.

Selling liquor with other beverages.

(6) Nothing in this section shall restrict the sale of methylated alcohol or oil of whiskey, or other medicines for cattle or horses. R. S. O. 1897, ch. 245, sec. 52 (4).

Exceptions.

176. Nothing in Part I. shall apply to or prevent the sale by a druggist of any drug or medicine for strictly medicinal purposes, notwithstanding the mixture with such drug or medicine of alcohol, as one of the necessary and *bona fide* ingredients thereof, if the quantity of alcohol so sold at any one time does not exceed six ounces. 61 V. ch. 30, sec. 4.

Drugs mixed with alcohol.

Sale of  
liquor by  
druggists in  
case of acci-  
dents, etc.

177. Nothing in Part I. shall prevent a druggist from selling, without the certificate of a legally qualified medical practitioner, liquor in quantities of not more than six ounces at any one time when the same is required owing to serious injury or to the fainting of a person who may be brought or shall come into the premises of the druggist or into contiguous premises, or in or upon premises adjacent to them, and the same is urgently required for the relief of such person. 61 V. ch. 30, sec. 5.

Patent or  
proprietary  
medicines.

178. Nothing in Part I. shall prevent the sale by a druggist or a merchant or company dealing in drugs and medicines, or a merchant or company dealing in patent or proprietary medicines of any such medicine in the original and unbroken package, if such medicine contains only sufficient alcohol to hold the medicinal constituents thereof in solution or to prevent fermentation. 61 V. ch. 30, sec. 2.

Certain  
tinctures,  
medicines,  
perfumes,  
etc.

179.—(1) Nothing in Part I. shall prevent the sale  
(a) by a druggist, or by the manufacturer of

- (i) any tincture, fluid extract, essence or medicated spirit containing alcohol prepared according to the formula of the British Pharmacopœia or other recognized standard work on pharmacy, or
- (ii) medicine or other similar officinal compound or preparation, or
- (iii) a perfume, or
- (iv) for purely medicinal purposes, any mixture so prepared containing alcohol and other drugs or medicine; nor

(b) by a merchant who deals in drugs and medicines, of such compounds, mixtures and preparations as are in this sub-section hereinbefore mentioned and are so made or put up by a druggist or manufacturer,

by reason only that the same contain alcohol; nor

(c) by a druggist, of alcohol in quantities of not more than one gallon at any one time for use in the arts or manufactures. 61 V. ch. 30, sec. 3.



(2) If any such compound, mixture or preparation contains more than two and one-half per cent. of alcohol and is not prepared according to the formula of the British Pharmacopœia or other recognized standard work, as hereinbefore mentioned, the same shall not be sold or offered for sale in Ontario, unless the formula, in accordance with which it is prepared, is either printed plainly upon a label or wrapper affixed to the bottle or package in which such compound, mixture or preparation is contained or a copy of such formula, verified by affidavit in the form prescribed by the Provincial Secretary, has been deposited in the office of the Provincial Secretary.

Printing of formula where preparation contains more than two and a half per cent of alcohol.

(3) Any neglect or omission to comply with the requirements of sub-section 2 shall be an offence against Part I.; and the sale of any such compound, mixture or preparation during the continuance of such neglect or omission shall be conclusively deemed a colourable device for the evasion of Part I. within the meaning of sec. 180 and may be dealt with accordingly.

Penalty.

(4) If any such compound, mixture or preparation purporting to be prepared in accordance with any formula appearing upon the label or wrapper affixed to any bottle or package or so filed in the office of the Provincial Secretary is found to contain a larger amount of alcohol than is required to hold the medicinal constituents thereof in solution or to prevent fermentation, or to contain a larger percentage of alcohol than is set out in such formula, the person selling the same shall be conclusively deemed to be guilty of a colourable device for the evasion of Part I. within the meaning of sec. 180. 1 Geo. V. ch. 65, sec. 2.

Application of s. 180.

(5) If a druggist is charged with a contravention of any of the provisions of sub-sec. 2, but proves that he sold the compound, mixture or preparation in question in the same state as when he purchased it and that he could not, with reasonable diligence, have obtained knowledge of the fact that the provisions of that sub-section had not been complied with, he shall not be found guilty; but the magistrate hearing the case may order that such compound, mixture or preparation found in the possession of such person be forfeited to the Crown; and the Minister may make such disposition of it as he may think fit. 1 Geo. V. ch. 65, sec. 3.

How druggist may exculpate himself.

Forfeiture of the article.

Unlawful  
sales.

**180.**—(1) Where the magistrate before whom a complaint is heard finds that any patent or proprietary medicine mentioned or referred to in sec. 178 or any other medicine, preparation or mixture mentioned or referred to in secs. 176, 177 or 179, has been put up, manufactured or sold as a colourable device for the evasion of the provisions of Part I., the offender shall incur the penalties imposed by Part I., as in the case of sale of liquor without the license required by law.

Charging the  
offence.

(2) It shall not be necessary in the information, summons, warrant, conviction, distress warrant, commitment or other process or proceeding, except the finding or judgment, to set out that such patent or other medicine, preparation or mixture was put up, manufactured or sold as a colourable device for the evasion of Part I., but it shall be sufficient if the complaint and all other necessary statements of the offence allege or refer to the sale of liquor without the license required by law. 61 V. ch. 30, sec. 7.

Analysis of  
patent  
medicines  
kept by  
druggists.

**181.**—(1) A druggist or other person who keeps patent or proprietary medicines for sale shall, upon request made in writing, signed by an officer of the License Branch, to be named for that purpose by the Minister, permit an Inspector, or such other person as shall be named therein, to take away a sample sufficient for the purpose of analysis of any patent or proprietary medicine kept by him for sale.

Penalty.

(2) Any person who refuses to comply with such request shall incur a penalty of not less than \$10 nor more than \$40. 61 V. ch. 30, sec. 8.

Druggist  
keeping  
liquor on  
premises  
for domestic  
use.

**182.**—(1) Any druggist may keep or have upon his premises, for his own domestic use, a reasonable quantity of beer, ale, porter, or lager beer, and may keep or have upon his premises or elsewhere for use in his business "ethylic" or absolute alcohol, and may keep or have upon his premises or elsewhere for domestic use or for use in his business any other kind of liquor to the extent of ten gallons, but not more.

Evidence  
of guilt.

(2) Except as permitted by sub-sec. 1, no druggist shall, without the license required by law, keep or have upon his premises or elsewhere any liquor whatever, and the keeping or having upon his premises or else-

where by a druggist, without such license of any liquor, save as aforesaid, shall be conclusive evidence that the same was kept by him for sale in contravention of this Act, and such liquor may in such case be seized and dealt with in all respects as liquor unlawfully kept for sale on unlicensed premises; and, in the case of "ethylic" or absolute alcohol kept by such druggist upon his premises or elsewhere, if a magistrate having jurisdiction finds that the quantity kept was larger than was reasonably required, having regard to the circumstances of the case, such druggist may be found guilty of keeping liquor for sale in contravention of this Act. 1 Geo. V. ch. 65, sec. 4, *part*.

183. Any druggist who keeps for sale or who sells or barter any liquor without the license required by law, except when authorized to do so by this or any other Act, shall, for the first offence, on conviction thereof, incur the penalties imposed by sec. 65 for selling, and, for a second or any subsequent offence, shall, on conviction thereof, incur the penalty imposed by sec. 65, as for a second offence for selling; and, in addition thereto, his certificate authorizing him to carry on the business of a "chemist and druggist" in Ontario shall *ipso facto* be void and be of no force or effect whatever for a period of two years from the date of his conviction, a copy of which shall forthwith be sent to the Registrar of the Ontario College of Pharmacy, or until the Council of such College shall see fit in its discretion after the expiration of such period of two years to reinstate such druggist, and shall not in the meantime be eligible as a member, director or shareholder of any incorporated company dealing in drugs or medicine in Ontario. 1 Geo. V. ch. 65, sec. 4, *part*.

Penalty for sale by druggist without license.

184.—(1) Every druggist shall, within seven days after demand by the Minister, supply the Minister with a written statement, verified by affidavit, of the amount and kind of liquor purchased by him during the period specified in such demand, the dates when and the persons from whom such liquor was purchased.

Sworn statement as to amount of liquor purchased.

(2) Any person who makes default in supplying such statement shall incur a penalty of \$20 for each day during which such default continues. 1 Geo. V. ch. 65, sec. 4, *part*.

Penalty.

Sales by  
wholesale  
druggists.

185. A wholesale druggist may, notwithstanding anything in Part I., sell to a druggist "ethylic" or absolute alcohol for use in his business as such druggist; but this provision shall only apply to wholesale druggists who have filed with the License Branch at Toronto a certificate, which shall be annually renewed not later than the 1st day of May in each year, signed by the Registrar of the Ontario College of Pharmacy, that the holder of such certificate is a wholesale druggist within the meaning of this Part. 1 Geo. V. ch. 65, sec. 4, *part*.

Rev. Stat.  
c. 164.

186. Nothing in this Part shall affect *The Pharmacy Act*. See 61 Vict. ch. 30, secs. 9, 10.

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## SCHEDULE OF FORMS.

## GENERAL FORM OF INFORMATION.

ONTARIO, } THE INFORMATION OF A. B. of the                      of  
 County of                      } in the County of                      ,  
 To Wit:                      } License Inspector laid before me C. D., Police  
 Magistrate, in and for the City of                      [or one of Her Majesty's  
 Justices of the Peace, in and for the County of                      ], the  
 day of                      A.D., 19                      .

The said informant says, he is informed and believes that X. Y.  
 on the day of                      A.D., 19                      , at the Township of  
 in the County of                      , unlawfully did sell liquor without the  
 license therefor by law required [or as the case may be—See forms  
 below.]

A. B.

Laid and signed before me the                      }  
                     day and year, and at                      }  
 the place first above mentioned.                      } (Sections 84 and 91.)  
                     C. D.  
                     P. M. or J. P.

## PART I.

## FORMS OF DESCRIBING OFFENCES.

## No. 1.—Sale without license. (Section 48.)

"That X. Y., on the                      day of                      A.D. 19                      ,  
 at                      in the County of                      unlawfully did sell liquor with-  
 out the license therefor by law required."

## No. 4.—Keeping liquor without license. (Section 49.)

"That X. Y. on                      at                      unlawfully did keep liquor  
 for the purpose of sale, barter and traffic therein without the license  
 therefor by law required."

## No. 11.—Refusing to admit policeman. (Sec. 130.)

"That X. Y. on the                      at                      being in (or having  
 charge of) the premises of O. P., being a place where liquor is  
 sold [or reputed to be sold], unlawfully did refuse [or fail] to admit  
 or did obstruct or attempt to obstruct E. F., an officer demanding  
 to enter in the execution of his duty [or did obstruct or attempt to  
 obstruct E. F., an officer making searches in said premises, and in  
 the presence of                      with                      ]"

**No. 16.—Illegal sale by druggists. (Section 174.)**

"That X. Y. being a chemist [or druggist] on \_\_\_\_\_ at \_\_\_\_\_ did unlawfully sell liquor for other than strictly medicinal purposes [or sell liquor in packages of more than six ounces at one time without a certificate from any registered medical practitioner, or sell liquor without recording the same], as required by *The Liquor License Act*."

## PART II.

**No. 31.—Sale (or keeping for sale) under beer and wine license of liquor other than authorized by the license (Section 36.)**

"That X. Y. being the holder of a Beer and Wine License, on \_\_\_\_\_ at \_\_\_\_\_ did unlawfully sell [or give, or keep for sale] other liquor than is authorized by his license, in the house and upon the premises for which such license has been granted."

**No. 33.—Keeping a disorderly house. (Sections 70 and 75.)**

"That X. Y. being the keeper of a tavern [or ale-house, or beer-house, or house of public entertainment], situate in the City, [or Town, or Village, or Township], of \_\_\_\_\_ in the County of \_\_\_\_\_ on \_\_\_\_\_ in his said tavern [or house] unlawfully did permit or suffer gambling, [or riotous, or disorderly conduct] in his said tavern [or house]."

**No. 35.—Harboring constables on duty. (Section 76.)**

"That X. Y. being licensed to sell liquor at \_\_\_\_\_ on \_\_\_\_\_ unlawfully and knowingly did harbor [or entertain or suffer to abide and remain on his premises] O. P. a constable belonging to a police force, during a part of the time appointed for his being on duty, and not for the purpose of quelling a disturbance or restoring order, or executing his duty."

**No. 43.—Neglecting to keep license exposed. (Section 46.)**

"That X. Y. having a license by wholesale [or a shop, or a tavern license] on \_\_\_\_\_ at \_\_\_\_\_ unlawfully and wilfully (or negligently) omitted to expose the said license in his warehouse [or shop, or in the bar-room of his tavern as the case may be]."

**No. 50.—Receiving goods in pawn. (Section 60.)**

"X. Y. being the keeper of a licensed tavern in said City did unlawfully receive \_\_\_\_\_ in pawn from one \_\_\_\_\_ contrary to Sec. 60 of *The Liquor License Act*."

**No. 55.—Neglecting to exhibit notice of license. (Section 47.)**

"That X. Y. being the keeper of a tavern [or inn or house or place of public entertainment] in respect of which a tavern license has been

duly issued and is in force, on \_\_\_\_\_ at \_\_\_\_\_ unlawfully did not exhibit over the door of such tavern, or inn, etc., in large letters the words, 'Licensed to sell wine, beer, and other spirituous or fermented liquors,' as required by *The Liquor License Act*.

**No. 56.—Sale of less than three half-pints under shop license. (Section 2.)**

"That X. Y. having a shop license on \_\_\_\_\_ at \_\_\_\_\_ unlawfully did sell liquor in less quantity than three half-pints."

**No. 57.—Allowing liquor to be consumed in shop. (Section 58.)**

"That X. Y. having a shop license on \_\_\_\_\_ at \_\_\_\_\_ unlawfully did allow liquor sold by him (or in his possession), and for the sale of which a license is required, to be consumed within his shop [or within the building of which his shop forms part, or within a building which communicates by an entrance with his shop], by a purchaser of such liquor [or, by a person not usually resident within the building of which such shop forms a part.]"

**No. 65.—Sale under wholesale license in less than wholesale quantities. (Section 152c.)**

"That X. Y. having a license to sell by wholesale on \_\_\_\_\_ at \_\_\_\_\_ unlawfully did sell liquor in less quantity than five gallons [or than one dozen bottles of three half-pints each, or than two dozen bottles of three-fourths of a pint each]"

**No. 67.—Allowing liquor to be consumed on premises under wholesale license. (Section 171.)**

"That X. Y. having a license by wholesale, on \_\_\_\_\_ at \_\_\_\_\_ unlawfully did allow liquor sold by him [or in his possession for sale] and for the sale of which such license is required, to be consumed within his warehouse [or shop, or within a building which forms part of (or is appurtenant to or which communicates by an entrance with a warehouse or shop, or premises) wherein an article to be sold (or disposed of) under such license, is sold by retail (or wherein there is kept a broken package of an article for sale under such license)]."

PART III.

**No. 70.—Sale of liquor on licensed premises during prohibited hours. (Sections 10, 51.)**

"That X. Y. on \_\_\_\_\_ at \_\_\_\_\_ in his premises [or on \_\_\_\_\_ at \_\_\_\_\_ his premises] being a place where liquor may be sold, unlawfully did sell [or dispose of] liquor during the time prohibited by *The Liquor License Act* (or by resolution of the License Commissioners for the District of \_\_\_\_\_ or by-law of the Municipal Council of \_\_\_\_\_ or as the case may be), for the sale of the same, without any requisition for medical purposes as required by said Act being produced by the vendee or his agent"



**No. 50.**—*Allowing liquor to be drunk on licensed premises during prohibited hours.* (Sections 50 and 51.)

"That X. Y. on \_\_\_\_\_ at \_\_\_\_\_ in his premises, being a place where liquor may be [or is] sold, by retail [or wholesale] unlawfully did allow [or permit] liquor to be drunk in such place during the time prohibited by *The Liquor License Act* for the sale of the same, by a person other than the occupant, or some member of his family, or a lodger in his house."

**No. 74.**—*Permitting persons to be in bar-room during prohibited hours.* (Sec. 52.)

"That the said X. Y., keeper of a licensed tavern in the said City did allow or suffer a person or persons to be present in his bar-room or room in which liquor is trafficked in other than those permitted to enter the same under Sec. 52 of *The Liquor License Act*, during the hours when under said section the said bar should be kept closed."

**No. 76.**—*Person found in bar-room when same should be closed.* (Sec. 53.)

"That the said X. Y., not being a person permitted to enter the bar room of a licensed tavern when the same should be kept closed under Sec. 52 of *The Liquor License Act* was found in the bar room of the licensed tavern of A. B. during the prohibited hours in said section mentioned."

**No. 77.**—*Persons applying for liquor during prohibited hours.* (Sec. 55.)

"That the said X. Y., not being the occupant of a licensed house, or a member of his family or lodger in his house, did [buy, obtain], or [attempt to buy or obtain] liquor during the time prohibited by *The Liquor License Act*, for the sale thereof from the licensed premises of \_\_\_\_\_ where the same may be sold by [retail] or [wholesale]."

#### PART IV.

**No. 83.**—*Compromising or compounding a prosecution.* (Section 71.)

"That X. Y. having violated a provision of *The Liquor License Act*, on \_\_\_\_\_ at \_\_\_\_\_ unlawfully did compromise [or compound, or settle, or offer, or attempt to compromise, compound or settle] the offence with A. B. with the view of preventing any complaint being made in respect thereof [or with the view of getting rid of or of stopping, or of having the complaint made in respect thereof dismissed, as the case may be]."

**No. 83.**—*Being concerned in compromising a prosecution.* (Section 77.)

"That X. Y. on \_\_\_\_\_ at \_\_\_\_\_ unlawfully was concerned in [or a party to] a compromise [or a composition, or a settlement]

of an offence committed by O. P., against a provision of *The Liquor License Act*."

**No. 85.—Officer refusing to prosecute.** (Sections 129 and 136.)

"That X. Y., being a police officer [or constable, or Inspector of Licenses] in and for the \_\_\_\_\_ in the County of \_\_\_\_\_, knowing that O. P. had on \_\_\_\_\_ at \_\_\_\_\_ committed an offence against a provision of *The Liquor License Act*, unlawfully and wilfully did and still does neglect to prosecute the said O. P., for his said offence."

**No. 93.—Supplying liquor to interdicted person.**

That X. Y., the holder of a tavern license did unlawfully supply liquor to one \_\_\_\_\_ a person interdicted by section 120 of *The Liquor License Act* from procuring or using the same."

**No. 93.—Interdicted person found drunk or with liquor.**

That \_\_\_\_\_ a person interdicted by Sec. 120 of *The Liquor License Act* from getting or using liquor "is [or was] unlawfully drunk; or, "did purchase or procure," or, "attempt to purchase or procure liquor," or, "was found with liquor in his possession," or, "was found loitering in a place where liquor is sold."

**No. 93.—Supplying to or buying liquor for interdicted person.**

That X. Y., unlawfully did give, or sell to, or purchase liquor for a person known to him as interdicted by Section 120 of *The Liquor License Act* from procuring or using the same.

**No. 116.—Tampering with a witness.** (Section 78.)

"That X. Y., on a certain prosecution under *The Liquor License Act*, on \_\_\_\_\_ at \_\_\_\_\_ unlawfully did tamper with O. P., a witness in such prosecution before [or after] he was summoned [or appeared] as such witness on a trial [or proceeding] under the said Act, [or unlawfully did induce, or attempt to induce O. P., a witness in such prosecution, to absent himself, or to swear falsely]."

FORM OF INFORMATION FOR SECOND, THIRD, OR FOURTH OFFENCE.

ONTARIO  
County of \_\_\_\_\_  
To Wit: \_\_\_\_\_  
County of \_\_\_\_\_  
Majesty's Justices of the Peace in and for the County of \_\_\_\_\_,  
day of \_\_\_\_\_, A.D. 19 \_\_\_\_\_

THE INFORMATION of A. B., of etc., License Inspector, laid before me, C. D., Police Magistrate in \_\_\_\_\_ and for the City of \_\_\_\_\_ [or one of Her \_\_\_\_\_], the \_\_\_\_\_, A.D. 19 \_\_\_\_\_.

The said Informant says he is informed and believes that X. Y. on \_\_\_\_\_ at \_\_\_\_\_ [describe last offence].

And further that the said X. Y. was previously, to wit on \_\_\_\_\_ the day of \_\_\_\_\_ A.D. 19 \_\_\_\_\_, at the City of \_\_\_\_\_, before C. D., Police Magistrate in and for the City of \_\_\_\_\_ [or at the \_\_\_\_\_].

of , in the County of , before E. F. and G. H., two of Her Majesty's Justices of the Peace for the County of , duly convicted of having on the day of 19 , at the of in the County of , unlawfully sold liquor without the license therefor required by law [or as the case may be].

And further that the said X. Y. was previously, to wit: on the day of A.D. 19 , at the of in the County of , before, etc. [as in preceding paragraph], again duly convicted of having on the day of A.D. 19 , at the of in the County of , having a shop license, unlawfully allowed liquor to be consumed within a building which communicates by an entrance with his shop, by a person not usually resident within the building of which such shop forms a part [or as the case may be].

And further, that the said X. Y. was previously, to wit: on the day of A.D. 19 , at the of in the County of , before, etc., (see above), again duly convicted of having, on the day of A.D. 19 , at the of in the County of (being in charge of the premises of O. P., a place where liquor was reputed to be sold), unlawfully failed to admit E. F., an officer demanding to enter in the execution of his duty.

And the Informant says the offence heretofore firstly charged against the said X. Y., is his fourth offence against *The Liquor License Act*.

A. B.

Laid and signed before me the day and year, and at the place first above mentioned,

C. D.,  
J. P.

## SUMMONS TO WITNESS.

ONTARIO, }  
County of } To J. K., of the of in the County  
To Wit: } of

Whereas information has been laid before me, C. D., one of Her Majesty's Justices of the Peace in and for the County of (or Police Magistrate for the City of ), that X. Y., being a druggist, on the day of A.D. 19 , at the of in the County of unlawfully did sell liquor for other than strictly medicinal purposes, and it has been made to appear to me that you are likely to give material evidence on behalf of the prosecutor in this behalf,

These are to require you, under pain of imprisonment in the Common Gaol, personally to be and appear on day, the day of A.D. 19 , at o'clock in the forenoon, at in the of , before me or such Justice or Justices of the Peace as may then be there, to testify what you shall know in the premises [and also to bring with you and there and then to produce all and every invoices, cash books, day books, or ledgers and receipts, promissory notes, or other security relating to the purchase or sale

## THE LIQUOR LICENSE ACT.

of liquor by the said X. Y., and all other books and papers, accounts, deeds, and other documents in your possession, custody or control, relating to any matter connected with the said prosecution].

Given under my hand and seal this            day of            A.D.  
19   , at the            of            , in the County of            .

C. D.,  
J. P.            (L.S.)

## FORM OF CONVICTION FOR FIRST OFFENCE.

ONTARIO, }  
County of            }  
To Wit:            }  
BE IT REMEMBERED that on the            day of  
A.D. 19   , at the City of            in the said  
County of            , X. Y. is convicted before  
me, C. D., Police Magistrate in and for the City of            (or  
before us, E. F. and G. H., two of Her Majesty's Justices of the Peace,  
in and for the said County), for that he the said X. Y., on the  
day of            A.D. 19   , at the            of            in the said  
County, in his premises, being a place where liquor may be sold, un-  
lawfully did sell liquor during the time prohibited by *The Liquor  
License Act* for the sale of the same, without any requisition for medi-  
cinal purposes as required by said Act, being produced by the vendee  
or his agent (or as the case may be), A. B. being the Informant, and I  
(or we) adjudge the said X. Y., for his said offence to forfeit and pay  
the sum of \$20, to be paid and applied according to law, and also to  
pay to the said A. B. the sum of \$6 for his costs in this behalf, and if  
the said several sums be not paid forthwith, then\* [I (or we) order the  
said sums to be levied by distress and sale of the goods and chattels  
of the said X. Y., and in default of sufficient distress in that behalf\*  
or where the issuing of a distress warrant would be ruinous to the  
defendant and his family, or it appears that he has no goods whereon  
to levy distress, then instead of the words between the asterisks \*\* say  
"inasmuch as it has now been made to appear to me (or us) that  
the issuing of a warrant of distress in this behalf would be ruin-  
ous to the said X. Y. and his family" or "that the said X. Y.  
has no goods or chattels whereon to levy the said several sums  
by distress"], I (or we) adjudge the said X. Y. to be imprisoned  
without hard labour [or with hard labour as the case may be] in the  
Common Gaol for the County of            at            , in the said County,  
and there to be kept for the space of *fifteen days*, unless the said sums  
and the costs and charges of conveying the said X. Y. to the said Com-  
mon Gaol shall be sooner paid.

Given under my hand and seal [or our hands and seals] the day  
and year first above mentioned, at the City of            , in the  
County aforesaid.

C. D.,            (L.S.)  
Police Magistrate.  
or E. F.,  
J. P.            (L.S.) \*

G. H.,  
J. P.            (L.S.)

## FORM OF CONVICTION FOR THIRD OFFENCE.

ONTARIO, }  
 County of }  
 To Wit: }  
 Be IT REMEMBERED that on the      day of  
    A.D. 19   , in the City of      in the said  
    County, X. Y. is convicted before the under-  
 signed C. D., Police Magistrate in and for the City of     , in  
 the County [or C. D. and E. F., two of her Majesty's Justices of the  
 Peace in and for the said County], for that he, the said X. Y., on the  
 day of      A.D. 19   , at the City of      [or Town-  
 ship of     ], in said County (as the case may be), having  
 violated a provision of *The Liquor License Act*, unlawfully did at-  
 tempt to settle the offence with A. B., with the view of having the  
 complaint made in respect thereof dismissed. And it appearing to me  
 [or us] that the said X. Y. was previously, to wit: on the      day  
 of      A.D. 19   , at the city of     , before, etc., duly con-  
 victed of having, on the      day of     , A.D. 19   , at the  
 of     , unlawfully sold liquor without the license therefor by law  
 required. And it also appearing to me [or us] that the said X. Y.  
 was previously, to wit: on the      day of     , A.D. 19   , at  
 the      of     , before, etc., (see above) again duly con-  
 victed of having, on the      day of     , A.D. 19   , at the  
 of     , being the keeper of a tavern situate in the  
 said      of     , unlawfully allowed gambling in his said  
 tavern (or as the case may be.)

I [or we], adjudged the offence of said X. Y. hereinbefore firstly  
 mentioned, to be his third offence against *The Liquor License Act*,  
 (A. B. being the informant) and I [or we], adjudged the said X. Y.  
 for his said third offence to be imprisoned in the Common Gaol of the  
 said County of      at     , in the said County of     ,  
 there to be kept without hard labor [or with hard labor, as the case  
 may be] for the space of three calendar months (or as the case may be).

Given under my hand and seal [or our hands and seals], the day  
 and year first above mentioned, at     , in the County of  
    C. D.      (L. S.)  
    or C. D.      (L. S.)  
    E. L.      (L. S.)

WARRANT OF COMMITMENT FOR FIRST OFFENCE WHERE A PENALTY IS IM-  
POSED.

ONTARIO, }  
 County of }  
 To Wit: }  
 County at }  
 To ALL OF ANY of the Constables or other Peace  
 Officers in the said County of     , and  
 to the keeper of the Common Gaol of the said  
 County of     , in the County of     .

Whereas, X. Y., late of the City of     , in the said County,  
 was on this day convicted before the undersigned, C. D., Police Magis-  
 trate in and for the City of      [or C. D. and E. F., two of Her  
 Majesty's Justices of the Peace in and for the said City of  
 or County of     , (as the case may be) for that he the said  
 X. Y., on      at      unlawfully did sell liquor without

the license therefor by law required (*state offence as in the conviction*), (*A. B. being the informant*), and it was thereby adjudged that the said *X. Y.*, for his said offence, should forfeit and pay the sum of (*as in conviction*), and should pay to the said *A. B.* the sum of for his costs in that behalf.

And it was thereby further adjudged that if the said several sums should not be paid forthwith, the said *X. Y.* should be imprisoned in the Common Gaol of the said County at \_\_\_\_\_, in the said County of \_\_\_\_\_, there to be kept at hard labor (*or without hard labor, as the case may be*) for the space of \_\_\_\_\_, unless the said several sums and the costs and charges of conveying the said *X. Y.* to the said Common Gaol should be sooner paid.

And whereas the said *X. Y.* has not paid the said several sums, or any part thereof, although the time for payment thereof has elapsed.

[*If a distress warrant issued and was returned no goods, or not sufficient goods, say, "And whereas, afterwards on the \_\_\_\_\_ day of A.D. 19\_\_\_\_, I, the said Police Magistrate, (or we the said Justices), issued a warrant to the said Constables or Peace Officers, or any of them, to levy the said several sums of \_\_\_\_\_ and by distress and sale of the goods and chattels of the said X. Y.;*

"And whereas it appears to me (*or us*) as well, by the return of the said warrant of distress by the constable who had the execution of the same as otherwise, that the said Constable has made diligent search for the goods and chattels of the said *X. Y.*, but that no sufficient distress whereon to levy the said sums could be found."]

[*Or where the issuing of a distress warrant would be ruinous to the defendant and his family, or if it appears that he has no goods whereon to levy a distress, then, instead of the foregoing recitals of the issue and return of the distress warrant, etc., say:*

"And whereas it has been made to appear to me (*or us*), that the issuing of a warrant by distress in this behalf would be ruinous to the said *X. Y.* and his family," or "that the said *X. Y.* has no goods or chattels whereon to levy the said sums by distress" *as the case may be.*]

These are therefore to command you the said Constables or Peace Officers, or any one of you, to take the said *X. Y.*, and him safely convey to the Common Gaol, aforesaid at \_\_\_\_\_, in the County of \_\_\_\_\_, and there deliver him to the said Keeper thereof, together with this precept.

And I (*or we*) do hereby command you the said Keeper of the said Common Gaol, to receive the said *X. Y.*, into your custody in the said Common Gaol, there to imprison him and keep him for the space of \_\_\_\_\_ (*without hard labor or with hard labor as the case may be*) unless the said several sums and all the costs and charges of the said distress amounting to the sum of \_\_\_\_\_, and of the commitment and conveying of the said *X. Y.* to the said Common Gaol.

amounting to the further sum of                      shall be sooner paid  
unto you the said Keeper, and for so doing this shall be your sufficient  
warrant.

Given under my hand and seal (or our hands and seals) this  
day of                      A.D. 18                      at                      , in the said County of

C. D.                      (L. S.)  
or C. D.                      (L. S.)  
E. F.                      (L. S.)

WARRANT OF COMMITMENT FOR SECOND (OR THIRD) OFFENCE, WHERE PUN-  
ISHMENT IS BY IMPRISONMENT ONLY.

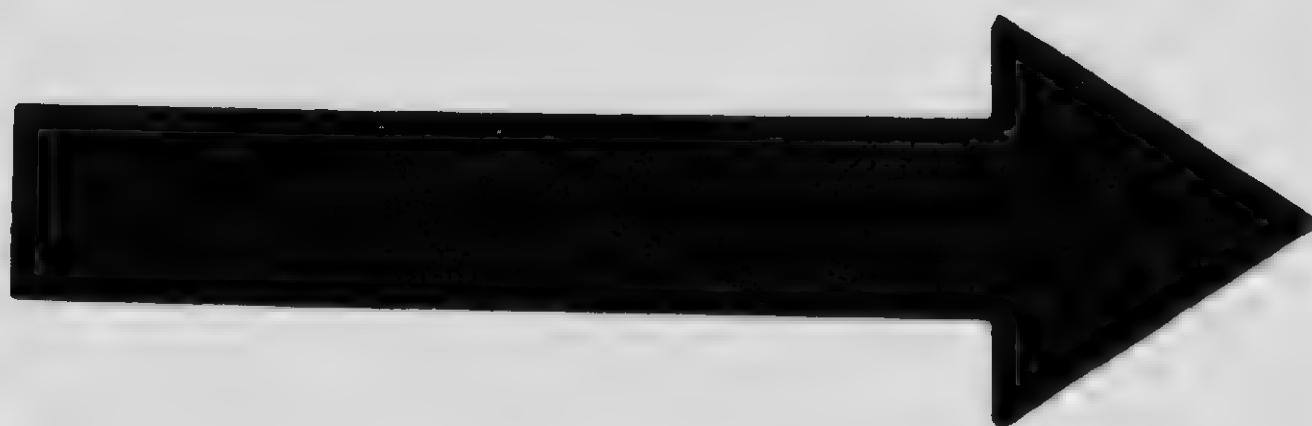
ONTARIO                      } To ALL or any of the Constables and other Peace  
County of                      } Officers in the said County of  
To Wit:                      } and to the Keeper of the Common Gaol of the  
said County, at                      , in the County of

Whereas X.Y., late of the                      of                      in the said County,  
was on this day convicted before the undersigned C.D., etc., or (C.D.  
and E.F., etc., as in preceding form); for that he, the said X.Y. on  
at                      (state offence with previous convictions as set  
forth in the conviction for the second or third offence, or as the case  
may be, and then proceed thus); "And it was thereby adjudged that  
the offence of the said X. Y., hereinbefore firstly mentioned, was his  
second (or third) offence against *The Liquor License Act* (A. B. being  
the informant). And it was thereby further adjudged that the said  
X.Y., for his said second (or third) offence should be imprisoned in  
the Common Gaol of the said County of                      , at  
in the said County of                      and there to be kept without hard  
labor (or with hard labor as the case may be), for the space of three  
calendar months.

These are therefore to command you the said Constables, or any  
one of you, to take the said X. Y., and him safely convey to the said  
Common Gaol at                      aforesaid, and there deliver him to the  
Keeper thereof, with this precept. And I (or we) do hereby command  
you, the said Keeper of the said Common Gaol, to receive the said  
X. Y. into your custody in the said Common Gaol, there to imprison  
him and to keep him without hard labor (or with hard labor as the  
case may be), for the space of three calendar months.

Given under my hand and seal (or our hands and seals), this  
day of                      A.D. 18                      at                      , in the said  
County of

C. D.                      (L. S.)  
or C. D.                      (L. S.)  
E. F.                      (L. S.)





MICROCOPY RESOLUTION TEST CHART

(ANSI and ISO TEST CHART No. 2)



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## THE LIQUOR LICENSE ACT.

## WARRANT TO SEARCH UNLICENSED PREMISES.

CANADA, Province of Ontario, City of County of To Wit:	}	To ALL or any of the Constables or other Peace Officers in and for the said City or County:
--	---	---

Whereas, information has this day been charged upon oath before the undersigned, Esq., Police Magistrate in and for the City aforesaid, and a Justice of the Peace in and for the County aforesaid, that certain spirituous or fermented liquor is being kept for sale or disposal contrary to the provisions of "The Liquor License Act" at No. , Street, an unlicensed house within the City of .

These are therefore to command you in Her Majesty's name, at any time or times within 10 days from the date hereof, to enter the said place above named and every part thereof and the premises connected therewith; to examine the same and search for liquor therein, and if any so found unlawfully kept to bring the same before me to be further dealt with according to law.

Given under my hand and seal, at the City of , in the County of , aforesaid, on the day of in the year of our Lord 19 .

.....  
 Police Magistrate in and for the City of  
 (L.S.)

## WARRANT FOR RESTITUTION OF GOODS PAWNED, ETC.

CANADA, Province of Ontario, City of County of To Wit:	}	To all or any of the Constables or other Peace Officers in and for the said City or County:
--	---	---

And to Mr.

Licensed Tavern Keeper

Whereas, the said Licensed Tavern keeper, before me this day hath been adjudged guilty of receiving [a silver watch] valued at \$ in pawn from one, contrary to Sec. 60 of the Liquor License Act.

These are therefore to command the said to make restitution of said and to restore the same and pay \$ for costs forthwith.

And in default thereof, authority is hereby given to the said Constables, or some or one of them in Her Majesty's name to make distress of the goods and chattels of the said to the value of such property as pawned, also said costs, and a penalty of \$ which I adjudge the said to pay; and if within the space of days after the making of such distress restitution of the

said [watch] be not made and the costs paid, or the said sum of \$ (the value of said goods), the penalty of \$ also the said costs and reasonable charges of taking and keeping the said distress, are not paid, then to sell the said goods and chattels so by you distrained, and to pay the money arising from such sale unto me that I may pay and apply the same as by law directed, and may render the overplus, if any, on demand to the said ; and if no such distress can be found, then to certify the same unto me to the end that proceedings may be had therein as to the law appertain.

(L.S.)  
Police Magistrate (or Justice), etc.

FORM OF DECLARATION OF FORFEITURE AND OF ORDER TO DESTROY LIQUOR  
SEIZED.

*If in conviction, after adjudging penalty or imprisonment, as in Schedule G, proceed thus:*

"And I [or we] declare that the said liquor and vessels in which the same is kept, to wit: two barrels containing beer, three jars containing whiskey, two bottles containing gin, four kegs containing lager beer, and five bottles containing native wine, [or as the case may be], to be forfeited to Her Majesty, to be destroyed or otherwise dealt with as the Minister may direct.

Given under my hand and seal the day and year first above mentioned, at, etc.

*If by separate or subsequent Orders*

County of \_\_\_\_\_ } We E. F. and G. H., two of Her Majesty's Justices  
To Wit: } of the Peace for the County of \_\_\_\_\_ [or  
C. D., Police Magistrate of the City of \_\_\_\_\_], having on the  
day of \_\_\_\_\_ 19\_\_\_\_, at the \_\_\_\_\_ of \_\_\_\_\_  
in said County, duly convicted X. Y. of having unlawfully kept liquors  
for sale without license, do hereby declare the said liquor and vessels  
in which the same is kept, to wit:—[describe the same as above].  
to be forfeited to Her Majesty, to be destroyed or otherwise dealt with  
as the Minister may direct.

Given under our [or my] hands and seals, this                      day of  
A.D. 19        , at the                      of                      in the said  
County.

*E. F.* (L. S.)  
or *G. H.* (L. S.)  
*C. D.* (L. S.)

## APPENDIX.

## FEES OF JUSTICES OF THE PEACE.

1. For an Information and Warrant for Arrest, or for an Information and Summons .....	\$0 50
2. For each copy of Summons to be served .....	10
3. For every Subpoena (only one on each side to be charged for) .....	10
4. For Recognizance .....	25
7. For hearing and determining the case .....	50
8. Fee to Associate Justice (where two required) .....	50
9. For Warrant to levy penalty .....	25
10. For making up every Record of Conviction .....	1 00
11. [If penalty that can be imposed not higher than \$20] fee for conviction .....	00
12. For copy of any other paper connected with any trial and the minutes of the same if demanded, and there has been an adjudication per folio of 100 words .....	05
13. For every bill of costs demanded in detail, where there has been an adjudication .....	10

(Sec. 770, Cr. Code.)

## CONSTABLES' FEES.

## SCHEDULE TO R. S. O. CH. 96.

1. Arrest of each individual upon a warrant .....	\$1 50
2. Serving Summons or Subpoena .....	25
3. Mileage to serve Summons or Warrant .....	13
4. Mileage when service cannot be effected upon proof of due diligence .....	13
5. Mileage taking prisoner to gaol, exclusive of disbursements necessarily expended in his conveyance .....	10
6. Returning with prisoner after arrest, conveyance or railway fare for prisoner, only reasonable disbursements to be allowed and public conveyance to be used when practicable .....	
7. Attending Justices on Summary trials for each day necessarily employed in one or more cases .....	1 50
9. Mileage attending before Justice .....	10
16. Serving distress Warrant and returning same .....	1 50
17. Advertising under Distress Warrant .....	1 00
18. Travelling to make distress, or to search for goods to make distress when no goods are found .....	13
19. Appraisements, whether by one appraiser or more (two cents in the Dollar on the value of the goods) .....	
20. Catalogue, sale and commission and delivery of goods (five cents in the dollar on the net produce of the goods) .....	
21. Executing search warrant .....	1 50
22. Serving notices on Constables, when personally served....	50

## WITNESSES' FEES.

1. Each day attending trial ..... \$0 75
2. Mileage travelled to attend trial (one way) per mile ..... 10

## INTERPRETERS' FEES.

1. Each day attending trial ..... 2 00
2. Mileage travelled (one way) per mile ..... 0 10

(R. S. O. 1914, cap. 132.)

AN ACT RESPECTING THE LEGAL MEANING OF EXPRESSIONS  
RELATIVE TO TIME.

**H**IS MAJESTY, by and with the advice and consent  
of the Legislative Assembly of the Province of  
Ontario, enacts as follows:—

1. This Act may be cited as *The Definition of Time* Short title.  
*Act.* 10 Edw. VII. ch. 62, sec. 1.

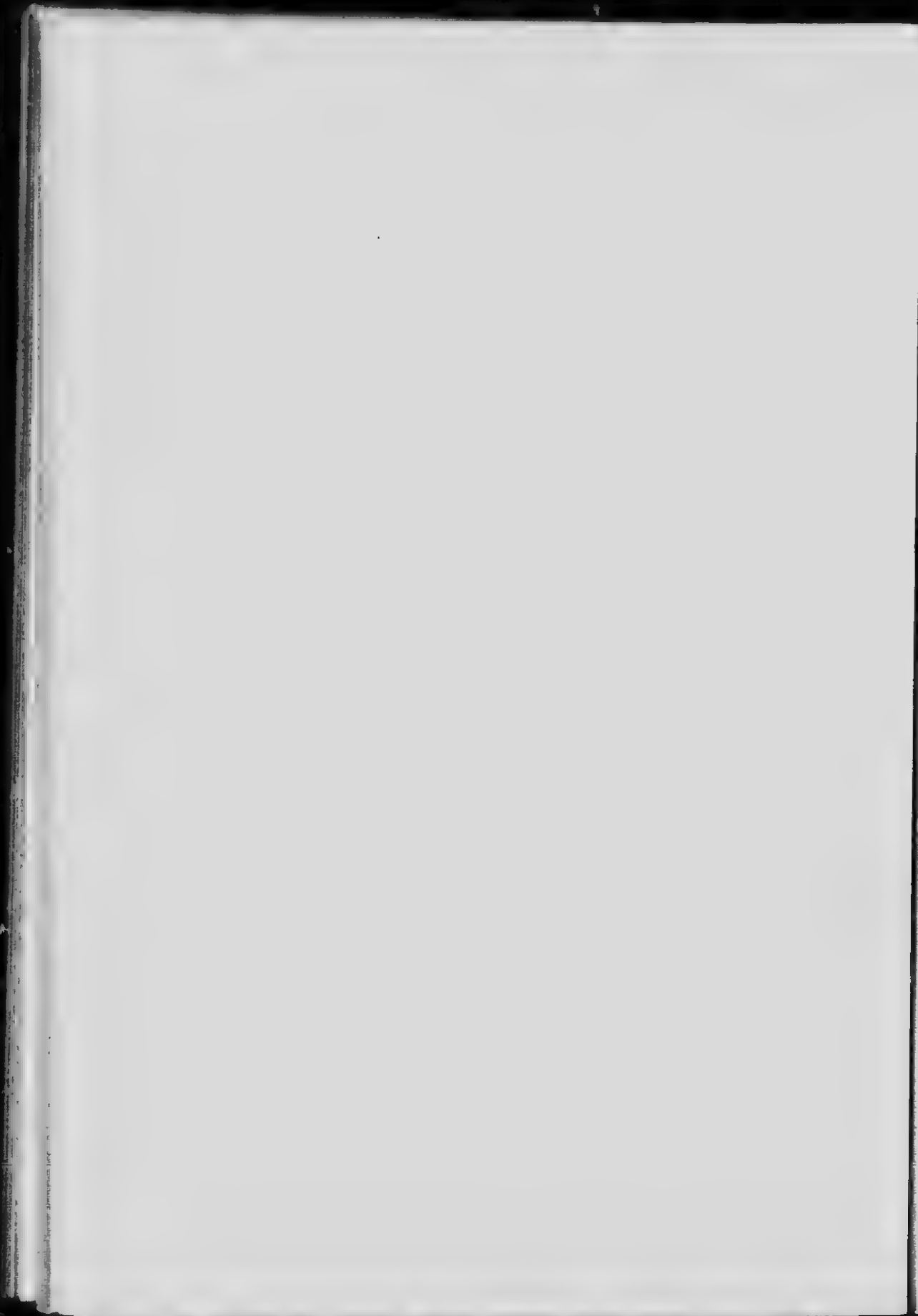
2.—(1) Where an expression of time occurs in any Meaning of expressions of time.  
Act or in any Rule of Court, by-law, deed or other instru-  
ment, heretofore or hereafter enacted or executed, or  
where any hour or other period of time is stated either  
orally or in writing, or any question as to period of time  
arises, the time referred to intended shall, unless it is  
otherwise specifically stated, be held to be “standard” Standard.”  
time.” 10 Edw. VII. ch. 62, sec. 2 (1).

(2) As regards that part of Ontario which lies east Standard time east of 90 degrees west longitude.  
of the meridian of ninety degrees west longitude, stan-  
dard time, shall be reckoned as five hours behind Green-  
wich time. 2 Geo. V. ch. 17, sec. 28.

(3) As regards that part of Ontario which lies west West of that meridian.  
of that meridian, standard time shall be reckoned as six  
hours behind Greenwich time. 10 Edw. VII. ch. 62,  
sec. 2 (3).

3. The expression “month,” where it occurs or is “Month,” meaning of.  
stated as in the next proceeding section mentioned, shall  
mean a calendar month, unless it is otherwise specifically  
stated. 10 Edw. VII. ch. 62, sec. 3.

4. The hours of the day may in any locality be num- Numbering hours of day.  
bered in one series up to 24. 10 Edw. VII. ch. 62, sec. 4.



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